

IFAR[®] Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

In this issue

Remembering the Florence Flood— 50 Years Later

The Mysterious Mr. Brennerman and His Fakes

The New German Cultural Property Law

INCORPORATING

STOLEN ART ALERT[®]

IFAR Journal, ISSN 1098-1195, is published quarterly by the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110. Subscription rates are \$75 per year. POSTMASTER: Send address changes to the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110.

© 2017 IFAR, Inc. All rights reserved. No part of the contents may be reproduced without the written permission of IFAR. The opinions expressed by the authors in *IFAR Journal* are not necessarily those of IFAR.

IFAR® and Stolen Art Alert® are the registered trademarks of the International Foundation for Art Research, Inc. Publication of advertisements does not imply endorsement by IFAR.

EDITOR-IN-CHIEF: Sharon Flescher

EDITOR: Kathleen Ferguson

DESIGN: Alice Fisk MacKenzie

International Foundation for Art Research (IFAR)

500 Fifth Avenue, Suite 935, New York, NY 10110

Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

EXECUTIVE DIRECTOR: Sharon Flescher

ASSISTANT TO THE DIRECTOR: Kathleen Ferguson

ART RESEARCH DIRECTOR: Lisa Duffy-Zeballos

SUBSCRIPTION INFORMATION

Subscriber: \$75 (*IFAR Journal* and notices of events)
(Subscribers outside the U.S. please add \$25 for mailing.)

Associate: \$100 plus overseas mailing cost
(*IFAR Journal* and one complimentary admission to an *IFAR Evening*)

MEMBERSHIP / DONOR INFORMATION

Partner:	Individual \$250	Corporate \$1,000
Sustainer:	Individual \$500	Corporate \$2,500
Patron:	Individual \$1,000	Corporate \$5,000
Conservator:	Individual \$2,500	Corporate \$7,500
Benefactor:	Individual \$5,000	Corporate \$10,000

Membership support of IFAR, a nonprofit educational and research organization, is tax deductible to the extent permitted by law. Inquiries and payment should be directed to IFAR, 500 Fifth Avenue, Suite 935, New York, NY 10110

BOARD OF DIRECTORS

Anthony Williams, Chairman; Michael de Havenon, Christiane Fischer, Virgilia Klein, Aaron M. Milrad, David J. Nash, Leon B. Polsky, Samuel Sachs II, Steven Schwartz, Theodore E. Stebbins, Jr., Dorit D. Straus, Gertrude Wilmers; Jack A. Josephson, Chairman Emeritus

ART ADVISORY COUNCIL

Peter Barnet, Vivian Barnett, Arthur C. Beale, Jonathan Brown, Elizabeth Easton, John Elderfield, Margaret Holben Ellis, Linda S. Ferber, William H. Gerdt, Marco Grassi, Egbert Haverkamp-Begemann, Michael Heidelberg, Pepe Karmel, David G. Mitten, Kenneth Moser, Priscilla E. Muller, Linda Nochlin, Theodore Reff, John Richardson, Willibald Sauerländer, Richard Schiff, Theodore E. Stebbins, Jr., Joyce Hill Stoner, Robert Storr, Carol Stringari, John Walsh, Christopher J. White

LAW ADVISORY COUNCIL

Franklin Feldman, Chairman; Jan M. Boll, Barbara Hoffman, John B. Koegel, Aaron M. Milrad, Hanno D. Mott, James A.R. Nafziger, Leon B. Polsky, Daniel Shapiro, Peter R. Stern

IFAR WISHES TO ACKNOWLEDGE THE DAVID BERG FOUNDATION, INC., THE INTERNATIONAL MUSIC AND ART FOUNDATION, THE LIMAN FOUNDATION, AND THE NATIONAL ENDOWMENT FOR THE ARTS FOR THEIR GENEROUS GRANTS IN SUPPORT OF *IFAR JOURNAL*.

IFAR[®]Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

2 NEWS & UPDATES

- 2 Continued Fallout from Asian Art World Investigations
- 5 Dismissed Disavowal: Court Closes Noland *Log Cabin* Case Without Addressing VARA Issue
- 6 Major Happenings at the Cultural Property Advisory Committee (CPAC)
- 9 New Holocaust Restitution Law to Face First Tests in Court

13 THE MYSTERIOUS JAMES BRENNERMAN; DID HE EXIST AND WHERE DID ALL HIS FAKES COME FROM? IFAR Exposes Another Cache of Bogus Pollocks

Lisa Duffy-Zeballos and Sharon Flescher

21 MUCH ADO ABOUT NOTHING? WHAT IS NEW IN THE “NEW” GERMAN CULTURAL PROPERTY PROTECTION LAW

Steffanie Keim

28 REMEMBERING THE FLORENCE FLOOD – 50 YEARS LATER

An IFAR Evening, November 14, 2016

- 30 SUSANNE P. SACK
- 35 PHILIPPE DE MONTEBELLO
- 38 MARCO GRASSI
- 44 Q & A

48 DONOR ACKNOWLEDGMENTS FY 2016

51 STOLEN ART ALERT[®]

COVER: Man viewing the Cimabue *Crucifix* damaged in the flood of 1966. Photo: Ivo Bazzechi. See story on p. 28.

CONTINUED FALLOUT FROM ASIAN ART WORLD INVESTIGATIONS

PROMINENT ART DEALER NANCY WIENER ARRESTED IN NEW YORK;
ASSOCIATES OF SUBHASH KAPOOR ARRESTED IN INDIA

The sense of unease that filled the air at the start of the ninth annual "Asia Week New York" in March turned out to be unfounded. Last year's edition of the fair, which features dozens of exhibitions of works for sale by Asian art galleries, dealers, and auction houses, as well as museum exhibits and programs, was disrupted by government raids on several participating dealers and Christie's auction house, resulting in the seizure of eight allegedly stolen works of art. The publicity surrounding the raids undoubtedly scared away buyers, as sales figures for Asia Week 2016 fell dramatically from the prior year (reportedly dropping from \$360 million to \$130 million).

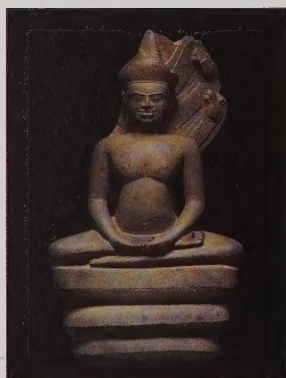


FIGURE 1. *Naga Buddha* (Buddha sitting upon a snake throne). 10th-century bronze with \$1.5 million price tag. Seized from the Nancy Wiener Gallery in March 2016.

This year's Asia Week, by contrast, was a rousing success, with reported sales of \$423 million, due mainly to the record-breaking \$263 million brought in at a single auction at Christie's, one of the participants raided last year.

The March 2016 government raids

were part of the on-going "Operation Hidden Idol," a joint Federal-New York State investigation into the illicit antiquities trade, headed by Homeland Security Special Agent Brenton Easter.¹ Two of the works seized, a statue of Buddha and an illustrated marble panel, came from the Nancy Wiener Gallery in New York, the eponymous gallery of prominent second-generation Asian art dealer Nancy Wiener.

In December 2016, Wiener was arrested and charged with two felony counts of possession of stolen property and one count of conspiracy (New York Penal Laws §165.52, §165.54, and §105.10).² She was released on \$25,000 bail.

According to the allegations in the criminal complaint by New York County Assistant District Attorney Matthew Bogdanos, the main prosecutor involved in "Operation Hidden Idol," Wiener had purchased the 10th century bronze *Naga Buddha* (Buddha sitting on snake throne) (FIG. 1)

in November 2011 for \$500,000, after it had been stolen from Thailand or Cambodia and then allegedly worked with two unnamed co-conspirators to falsify the statue's provenance. She was offering the work for sale in her gallery for \$1.5 million when it was seized.

"The treasure trove of evidence found in Kapoor's warehouses included a number of documents tying Wiener to Kapoor and his associates ..."

The complaint also asserts that between November 2009 and September 2010, six 10th-century marble ceiling panels depicting female figures (*Aspara Marbles*) were stolen from a temple in India and that Wiener subsequently received several emails inquiring about her interest in purchasing one of them. She allegedly did purchase one of the panels, valued at \$500,000, in September 2010.

More broadly, the complaint alleges that over the course of nearly two decades, Nancy Wiener and her mother, Doris Wiener, the late founder (d. 2011) of the prestigious gallery, sold millions of dollars worth of antiquities stolen from Afghanistan, Cambodia, China, India,

¹ "Operation Hidden Idol" is discussed at length in *IFAR Journal*, Vol. 16, no. 3 (2015) and Vol. 17, nos. 2&3 (2016).

² *People of the State of New York v. Nancy Wiener*, No. SCI-05191-2016 (NY Sup. Ct. Dec. 21, 2016).

Pakistan, and Thailand. Further, the complaint alleges that the Wieners created false provenances for the stolen works so that they appeared to predate the national patrimony laws and international agreements restricting the acquisition of antiquities that left their country of origin after designated dates.

As of this writing, it does not appear that there have been any additional filings by either the prosecution or defense, but Wiener is scheduled to appear in court in April 2017. One of her attorneys, Michael McCullough, told IFAR that Ms. “Wiener’s important contributions as an art dealer have been widely recognized ... [and they] are looking forward to responding to the charges at the appropriate time ... Ms. Wiener has every reason to expect a favorable conclusion to the case.”

Along with the statements of two unnamed informants and six alleged co-conspirators, much of the evidence that led to Wiener’s arrest came from “Operation Hidden Idol’s” greatest success, the discovery and seizure of tens of thousands of documents, photographs, and other information (as well as more than 2,500 allegedly stolen artifacts worth over \$100 million) from the warehouses of former New York art dealer Subhash Kapoor. Kapoor

was subsequently charged with possession of stolen property in New York (also under New York law), but has been held in prison in India since 2012, awaiting trial.

The treasure trove of evidence found in Kapoor’s warehouses included a number of documents tying Wiener to Kapoor and his associates, such as a photograph of a *Seated Buddha* statue that Wiener allegedly acquired from one of Kapoor’s primary suppliers of stolen Indian antiquities and then sold to Singapore’s Ancient Civilizations Museum, without any provenance, for \$500,000 in 2000. Other documents noted Wiener’s purchase of still another *Seated Buddha* statue (FIG. 2) from another of Kapoor’s suppliers, which she sold to the National Gallery of Australia (NGA) for more than \$1 million in 2007. Both of these museums were victims of Kapoor on other occasions as well, with each purchasing allegedly stolen works from him personally and from his associates.

U.S. authorities also discovered emails which appeared to show Wiener conspiring with another dealer to inflate the price of a stolen Krishna statue. The unnamed co-conspirator had purchased the statue directly from Kapoor for \$650,000 and then requested that Wiener provide him with an “appraisal”

of the work in preparation for a future sale. According to seized documents, Wiener appraised the item at \$3.5 million.

The complaint also contains a lengthy description of the relationship between Nancy Wiener and Christie’s auction house in arranging a March 20, 2012 auction of the “Doris Wiener Collection.” (FIG. 3) Held less than a year after her mother’s death, the auction consisted of 380 works consigned by Nancy Wiener; it brought in nearly \$13 million (including buyer’s premium). Of the 380 works Christie’s offered for sale, however, the criminal complaint asserts that at least 24 were stolen, and 18 of the stolen objects were sold, including a 10th-century Tibetan statue for more than \$800,000.

The complaint further states that before turning to Christie’s, Nancy Wiener sought to consign her mother’s works to Sotheby’s, but was rejected because she could not provide adequate provenance documentation. (In 2011, however, according to the



FIGURE 2. *Seated Buddha.* Allegedly stolen statue purchased from Nancy Wiener by the National Gallery of Australia for more than \$1 million in 2007.



FIGURE 3. Cover of Christie’s catalogue for March 20, 2012 auction of the “Doris Wiener Collection.”

complaint, Sotheby's had auctioned an 11th-century Cambodian statue for Wiener, despite its lack of *any* written provenance, bringing in nearly \$580,000.)

In contrast to Sotheby's, the complaint alleges, Christie's only required Wiener to provide evidence that the "top 20" objects from her mother's collection had been exported from their country of origin prior to 2000. Moreover, although the auction house was not charged with any crime, the complaint alleges that Christie's itself altered the provenance dates of two of the consigned items.

Arrests in India

While Nancy Wiener's December arrest and the allegations of

mother-daughter involvement in Kapoor's ring were making headlines in America, Indian authorities arrested father-son art dealers Vallabh Prakash and Aditya Prakash on charges of smuggling antiquities to Kapoor only one month earlier, in November 2016.

The Prakashs, owners of the "Indo-Nepal Art Centre" in Mumbai, were accused of stealing a stone idol of the deity Ardhanari from a Tamil Nadu temple in 2002 and replacing it with a forgery. They then allegedly sold the original to Kapoor and helped him smuggle it into the United States. Kapoor subsequently created false documents for the idol and sold it to Australia's Art Gallery of New South Wales in 2004.

According to American officials, the Prakashs also stole and smuggled three other idols to Kapoor in 2002, all of which were purchased by the National Gallery of Australia, where they are still on display. Yet another idol smuggled by the Prakashs to Kapoor was seized by the authorities during a raid on Kapoor's New York gallery, where it was being offered for sale for \$2.5 million.

As the number of arrests of Kapoor associates increases, so, too, do the discoveries of looted Asian artworks in museum collections across the globe. To date, museums in the U.S., Germany, Australia, and Singapore have returned to India more than a dozen objects acquired from Kapoor and his associates worth millions of dollars. In addition, the U.S. government has returned to India more than 200 works seized from Kapoor's warehouses. The provenances of many more items connected to Kapoor continue to be researched and additional returns seem inevitable.

—Nicholas Dietz

Legal Research Associate, IFAR,
and

Sharon Flescher
Executive Director, IFAR

• • •

ADVERTISEMENT

APPRAISAL RESOURCE ASSOCIATES, INC.

Comprehensive Appraisal and Consulting Services
Fine and Applied Arts

ARTISTS' ESTATES, CHARITABLE CONTRIBUTIONS, COLLECTIONS
DAMAGE/LOSS, INSURANCE

Frances Zeman, M.A., FASA
President



TEL: (718) 852-4961

WEBSITE: www.appraisalresources.com

E-MAIL: fran.zasa@gmail.com

DISMISSED DISAVOWAL

COURT CLOSES NOLAND LOG CABIN CASE WITHOUT ADDRESSING VARA ISSUE

Although Cady Noland (b. 1956) might be best known for her provocative sculptures and installations, she has been featured several times in the *IFAR Journal* for her legal entanglements related to the Visual Artists Rights Act of 1990 (“VARA”).¹ Under VARA, a living artist may disavow works in the event of modifications considered “prejudicial to his or her honor or reputation.”² Such modifications, however, do not include changes resulting from the “passage of time ... the inherent nature of the materials ... [or] conservation.”³ The *Journal* has previously reported on two disputes involving disavowals by Noland, but in neither case did the courts examine the scope of the conservation exception to VARA nor whether Noland properly invoked the Act.⁴

The most recent suit, *Mueller v. Michael Janssen Gallery*, has just been closed by the United States

District Court for the Southern District of New York, with a decision against the plaintiff, Cleveland-based collector Scott Mueller.⁵

The *Mueller* story begins in 1990, when German collector Wilhelm Schürmann purchased the newly completed Noland sculpture *Log Cabin* (FIG. 1) from Galerie Max Hetzler in Cologne. During one long-term museum loan, *Log Cabin* was displayed outdoors and began to deteriorate. In 2011, the work was restored according to its original specifications.

Two years later, in 2013, Mueller purchased *Log Cabin* from Schürmann for \$1.4 million through Galerie Michael Janssen, Berlin (“the Galerie”). The New York art advisory Marisa Newman Projects (“Newman”) facilitated the sale and recommended that Mueller include a buy-back provision in his contract with the Galerie in the event Noland disavowed *Log Cabin*, which Newman nonetheless indicated was unlikely to happen given that the restoration was carried out by the original fabricators of *Log Cabin*.

⁵ *Mueller v. Michael Janssen Gallery PTE., Ltd.*, No. 1:15-CV-04827 (S.D.N.Y. dismissed Dec. 2, 2016).



FIGURE 1. CADY NOLAND, *Log Cabin*, 1990. Wood, American flag, metal rings, and construction plans, 141¼ x 218 x 31½”.

Before *Log Cabin* left Germany, Mueller notified Noland of the sale and the work’s restoration. Noland denounced the unauthorized conservation project and insisted that a notice stating she no longer approved of the work be included with any display or subsequent sale of *Log Cabin*. When Mueller attempted to exercise his buy-back option, the Galerie failed to return the full purchase amount.

“... the court again chose not to investigate whether Noland’s disavowal of *Log Cabin* ... should have been precluded by [VARA’s] conservation exception.”

In 2015, Mueller sued the Galerie, Michael Janssen, Schürmann, and Newman. Mueller voluntarily dismissed his original claim against Schürmann for unjust

¹ 17 U.S.C. § 106A.

² § 106 A(a)(2).

³ § 106 A(c)(1)-(2).

⁴ “Lawsuit May Test Scope of Artist’s Rights,” *IFAR Journal*, Vol. 13, no. 4 (2012), p. 15 and “Not What It Once Was: Artist’s Disavowal of Her Work Stands; Appeal Filed,” *IFAR Journal*, Vol. 14, nos. 1 & 2 (2013); “Avowals and Disavowals: When Can an Artist Say ‘It’s Not Mine!’,” *IFAR Journal*, Vol. 17, nos. 2 & 3 (2016).



NB: Please note, the Cady Noland sculpture illustrated at left is the *Log Cabin* at issue in this case. Figure 1, p. 5 in this issue, Vol. 17, no. 4, incorrectly illustrates a later (1993) version of *Log Cabin*.

enrichment. And the court dismissed both Janssen and his Galerie without prejudice because Mueller failed to serve them for over a year. Thus, litigation centered on Mueller's suit against Newman for breach of fiduciary duty and unjust enrichment.

Newman moved to dismiss the charges, and in the recent December 2, 2016 opinion, the court ruled in its favor. To prove breach of fiduciary duty in New York, a plaintiff must demonstrate: "(1) the existence of a fiduciary duty, (2) a knowing breach of that duty, and (3) damages resulting from

the breach."⁶ In New York, acting as an independent art advisor does not trigger a fiduciary relationship, and Mueller failed to alternatively prove that he and Newman had a "special relationship of confidence and trust."⁷ The court also held that, even if a fiduciary relationship did exist between the parties, Mueller could not prove Newman breached its duties. Newman was not obligated under any agreement to disgorge its share of the purchase price; Newman did not advise Mueller in bad faith; and there is no authority that would

support Mueller's claim that Newman had a duty to assist him in seeking full payback from the Galerie. Mueller's unjust enrichment claim failed because he didn't directly pay—"enrich"—Newman, who was to be paid by the Galerie.

Although this case has settled certain questions about fiduciary duty in the art world, the court again chose not to investigate whether Noland's disavowal of *Log Cabin* exceeded the intended purpose of VARA and should have been precluded by the Act's conservation exception.

⁶ Id.

⁷ Id.

• • •

— Sinclair Devereux Marber

Former IFAR Legal Intern
Columbia Law School '18

MAJOR HAPPENINGS AT THE CULTURAL PROPERTY ADVISORY COMMITTEE (CPAC)

U.S. SIGNS AGREEMENT WITH EGYPT AND EXTENDS AGREEMENTS WITH GREECE AND BOLOVIA; SEVEN NEW MEMBERS APPOINTED TO THE ELEVEN-MEMBER COMMITTEE

On November 30, 2016, then Secretary of State John Kerry and Egyptian Foreign Minister Sameh Shoukry signed a Memorandum of Understanding (MOU) concerning the protection of Egyptian cultural heritage.¹ It is the first *bilateral* cultural property

agreement between the United States and a Middle Eastern country.

Enacted under the 1983 Cultural Property Implementation Act (CPIA), the United States' implementing legislation for the 1970 UNESCO Convention, the MOU requires Egypt to continue its efforts to protect the plundering of its cultural heritage and the U.S. to place import restrictions

on specific types of objects from Egypt "at risk" of pillage.

The United States has previously adopted "emergency legislation" to protect cultural property in two Middle Eastern countries (Iraq and Syria), but the 2016 MOU with Egypt is the first that obligates *both* sides to protect the source nation's cultural patrimony.

Requests by foreign governments for cultural property agreements

¹ Memorandum of Understanding between the Government of the United States of America and the Government of the Arab Republic of Egypt Concerning the Imposition of Import Restrictions on Categories of Archaeological Material of the Arab Republic of Egypt (Nov. 30, 2016).

with the United States under the CPIA are reviewed by the Cultural Property Advisory Committee (CPAC), an eleven-member group appointed by the President to review and provide recommendations as to whether or not an agreement should be signed. If signed, the MOUs are in effect for five years, with the possibility of an unlimited number of five-year renewals. With the addition of Egypt, the United States currently has MOUs under the CPIA with sixteen nations, as well as the emergency legislation regarding cultural objects from Iraq and Syria.

Egypt requested the agreement with the United States in early 2014 in order to combat the rise in cultural property looting following the 2011 “Arab Spring.” Although public hearings about the request were held in late 2014, almost no additional information was known about the status of the agreement until the MOU was officially announced in November 2016. Under the terms of the agreement, effective December 5, 2016, absent an Egyptian export license, it is prohibited to import into the U.S. any Egyptian archaeological material dating from the Pre-dynastic period (ca. 5200 B.C.) to the Ottoman conquest of Egypt in 1517. This encompasses the Pharaonic, Greco-Roman, Cop-

tic, Early Islamic, and Mamluk periods. The restricted items include categories of stone, metal, ceramic, wood, faience and glass, ivory, bone, shell, plaster, cartonnage (linen or papyrus covered with plaster), textile, basketry, rope, leather, parchment, papyrus, painting, drawing, and mosaics identified in the U.S. Federal Register.²

GREECE AND BOLIVIA

Shortly before signing the agreement with Egypt, the United States extended, without change, existing MOUs with Greece and Bolivia, effective November 21, 2016 and December 2, 2016, respectively.

This marked the third extension of the U.S.-Bolivia MOU. Originally enacted in December 2001 to replace a 1989 emergency restriction on the importation of Bolivian textiles, the 2001 MOU was previously extended in 2006 and 2011. Under its terms, the U.S. restricts the importation of Pre-Columbian archaeological materials, including objects comprised of textiles, ceramics, metals, feather-work, and stone-work (dating from 10,000

B.C. to 1532 A.D.), as well as objects from the Colonial and Republican eras (1533 to 1900), including religious and ceremonial objects created by the indigenous populations.

“One of the first tasks of the reconstituted Committee came in late March 2017, when CPAC held meetings to discuss renewals of the MOUs with Guatemala, Mali and Belize.”

In contrast, this was the first extension of the U.S.-Greece MOU. Originally enacted in November 2011, the agreement restricts the importation of Greek archaeological material dating from 20,000 B.C. through the 15th century A.D. and ecclesiastical ethnological material from the Byzantine Era (4th through 15th century A.D.), including stonework, metalwork, statuary, ceramics, pottery, reliefs, mosaics, and textiles.

NEW APPOINTEES TO CPAC

While the members of CPAC (who each serve renewable three-year terms) were considering the above MOUs, in late 2016 and early 2017, President Obama announced the appointments of seven new members to the Committee, meaning that more than two-thirds of the eleven-member Committee is new.

² A full list of the categories of restricted Egyptian objects and the text of the U.S.-Egypt MOU can be found on the IFAR website (www.ifar.org) and the U.S. State Department Cultural Heritage Center website (<https://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements/egypt>).

“With the addition of Egypt, the United States currently has MOUs under the CPIA with sixteen nations, as well as the emergency legislation regarding cultural objects from Iraq and Syria.”

The CPIA established CPAC with the intent that it would represent the views of several constituencies within the art world. As such, the Committee is required to include two members representing the interests of museums, and three members each to represent the interests of archaeologists and experts in related fields; people involved in the cultural property trade; and the general public. However, the President re-appointed all three of the CPAC members who represent Archaeologists (as well as one representing the international cultural property Trade), while appointing new members to fill all three slots representing the General Public; both repre-

sentatives of Museums; and two of the three representatives of the cultural property Trade.

The seven new members of the committee are:

- Dr. Jeremy Sabloff (Museums), former Director of the University of Pennsylvania Museum of Archaeology and Anthropology, who is the new Chairman of CPAC.
- Karol Wight (Museums), President and Executive Director of the Corning Museum of Glass and former senior curator of antiquities at the Getty Museum.
- Dorit Straus (International Trade), an art insurance advisor and former Fine Art Manager and V.P. at Chubb Insurance. (Ms. Strauss is also a member of IFAR's Board of Directors.)
- John Frank (International Trade), Microsoft Vice President for European Union Government Affairs.
- Adele Chatfield-Taylor (Public), President Emerita of the American Academy in Rome.
- Shannon Keller O'Loughlin (Public), Chief of Staff at the National Indian Gaming Commission and an attorney specializing in cases involving NAGPRA.
- James K. Reap (Public), Professor and Graduate Coordinator of the Masters of Historic Preservation program at the University of Georgia.

One of the first tasks of the reconstituted Committee came in late March 2017, when CPAC held meetings to discuss renewals of the MOUs with Guatemala, Mali and Belize. Both Guatemala and Mali have had MOUs with the U.S. since 1997, each being renewed three times. The current bilateral agreements are set to expire in September 2017, unless renewed. Belize signed its first MOU with the U.S. in February 2013. If not renewed, it will expire in February 2018.

—N.D. and S.F.

• • •

LETTERS TO THE EDITOR

REMINDER

“Letters to the Editor” are welcome in *IFAR Journal*. Please keep letters brief. We reserve the right to edit for length. All letters must be signed. Please fax or mail letters to:

Dr. Sharon Flescher, Editor-in-Chief, *IFAR Journal*

500 Fifth Avenue, Suite 935, New York, NY 10110 • Fax: (212) 391-8794

NEW HOLOCAUST RESTITUTION LAW TO FACE FIRST TESTS IN COURT

Among the final pieces of legislation President Obama signed into law before leaving office were two bills affecting Holocaust restitution claims. In an unusual show of bipartisan support, the two bills – the Foreign Cultural Exchange Jurisdictional Immunity Clarification Act (“Immunity Clarification Act”) and the Holocaust Expropriated Art Recovery Act (“HEAR Act”) – both signed into law on December 16, 2016, had been passed by both Houses of Congress *unanimously* the prior week.

“... The HEAR Act, ... within weeks of its passage, has already been invoked in at least two court cases.”

As discussed in the last issue of the *IFAR Journal* (Vol. 17, nos. 2&3), both pieces of legislation will impact restitution claims for artwork misappropriated during the Nazi era (1933-1945). In brief, the Immunity Clarification Act prevents U.S. courts from asserting jurisdiction over foreign governments in restitution claims for artwork loaned to U.S. museum exhibitions when the sole legal basis for overriding their foreign sovereign immunity is the very presence of the loaned artwork in the United States for the exhibi-

tion. The Act contains a limited exception denying immunity to works of art expropriated by the German government and its allies during the Nazi era.¹

It is the other law, however, the HEAR Act, that has gained greater public attention, as within weeks of its passage, it has already been invoked in at least two court cases. The HEAR Act, which will be in effect for the next decade, established a single, uniform federal statute of limitations period of six years for claims of Nazi era misappropriation, running from the time the claimant discovers the location of a looted work *and* knows he has a potential ownership interest. No longer will claims for Holocaust looted art be governed by *state* statutes of limitations, which vary from one state to another. As long as the claim is brought within six years of its discovery, it cannot be time-barred based on the statute of limitations.

The HEAR Act does not, however, prevent defendants from seeking dismissal based on other time-related defenses, most notably laches. (Although an earlier version of the bill prohib-

ited the use of *all* time-related defenses, including laches.) The equitable doctrine of laches holds that if a plaintiff delays asserting a claim for such a long period of time that the delay unfairly prejudices a defendant’s ability to mount a defense, the claim will be dismissed.

One case that may raise HEAR Act issues, featured in a February 2017 *New York Times* article,² is a lawsuit over two Egon Schiele paintings (FIGS. 1 AND 2) allegedly stolen by the Nazis from Austrian-Jewish art collector Fritz Grunbaum, filed by his heir Milos Vavra and the estate of another heir, Leon Fischer (now-deceased), in New York State court against London art dealer Richard Nagy.³ Vavra and Fischer (then still living) had already been involved



FIGURE 1. EGON SCHIELE. *Woman Hiding Her Face*, 1912. Gouache, watercolor and pencil on paper. 31 x 47 cm (approx. 12 ¼" x 18 ½"). Claimed by the heirs of Fritz Grunbaum. Photo: courtesy Richard Nagy Ltd., London.



FIGURE 2. EGON SCHIELE. *Woman in a Black Pinafore*, 1911. Gouache, watercolor and pencil on paper. 48.6 x 31.7 cm (approx. 19 ½" x 12 ½"). Claimed by the heirs of Fritz Grunbaum. Photo: courtesy Richard Nagy Ltd., London.

¹ Please see *IFAR Journal*, Vol. 17, nos. 2&3 (2016) for a much more detailed description of the Foreign Cultural Exchange Jurisdictional Immunity Clarification Act.

² William D. Cohan, “Heirs Turn to New Law on Lost Art,” *New York Times*, Feb. 28, 2017, C1.

³ *Reif, Fraenkel, and Vavra v. Nagy*, No. 161799/2015 (N.Y. Sup. Ct. filed Nov. 16, 2015).

in a multi-year lawsuit over a different Schiele work from the Grunbaum Collection in which David Bakalar, then-owner of the Schiele, had sought a declaratory judgment against the Grunbaum heirs in the Federal District Court for the Southern District of New York to have his legal title to the work confirmed.⁴ In that case, the Court ruled in favor of Bakalar in 2011, precisely on the grounds of laches, noting that the Grunbaum heirs had known about the lost Grunbaum collection for decades, but had made no attempt to locate the allegedly stolen works until the late 1990's. During this delay, several key witnesses had died and important evidence had been lost, harming Bakalar's ability to prove that the work had been purchased legally.

Although the *Bakalar* decision was based solely on laches, the judge also stated that there was a "preponderance of the evidence" showing that the work at issue (Schiele's *Seated Woman with Bent Leg*), which shares the identical provenance as Nagy's two paintings, "was not looted by the Nazis."

In the *New York Times* article, Raymond Dowd, the attorney for the Grunbaum heirs (who also represented them in the *Bakalar*

case), stated that he might use the HEAR Act in the current case (*Reif v. Nagy*), a tool that had not been available to him in *Bakalar*. However, it seems unlikely that the HEAR Act is applicable to *Reif v. Nagy* because the *Bakalar* decision, which, as noted above, involved a painting with the same provenance, was decided based on *laches*, whereas the HEAR Act only applies to decisions based on *statute of limitations* grounds. If, however, the court rules that the *Bakalar* decision only applied to the specific work at issue in *that* case, the Grunbaum heirs' claim in *Reif v. Nagy* might well fall under the HEAR Act. The heirs contend that they did not learn of the existence of the two Schiele paintings until 2015, when Nagy offered them for sale at a New York Armory show.

While the HEAR Act "may" be raised in the *Reif* case at some point in the future, it has already been invoked in two other ongoing cases. In *Philipp v. Germany*, the heirs of a pre-World War II consortium of German Jews filed suit against the German government in February 2015 seeking the return of 42 medieval Christian relics, known as the "Guelph Treasure," arguing that the consortium had been forced to sell the works to the German state in the 1930's under duress for well below mar-

ket value. Among the defenses raised by the German government in an October 2015 motion to dismiss was that the claim was barred by the statute of limitations because the sale occurred more than seventy years ago and the statute of limitations for the return of personal property in Washington, D.C., where the case is being heard, is three years from the time the property was taken. On December 21, 2016, less than one week after the HEAR Act was signed into law, the heirs invoked it in a court filing, arguing that the new law specifically superseded the statutes of limitations of all states (as well as Washington, D.C.), thus precluding Germany from using it as a defense. On January 4, 2017, Germany withdrew its statute of limitations argument, while maintaining its other defenses.

The HEAR Act was also raised in *Zuckerman v. Metropolitan Museum of Art*, a case brought in federal court in New York in September 2016 by a relative of German-Jewish art collector Paul Leffmann, seeking the return of a Picasso painting that Leffmann had allegedly been forced to sell under duress while fleeing Fascist Italy in 1938 (FIG. 3). The painting entered the museum's collection in 1952. As in *Philipp*, one of the defenses the Met raised was that of statute of limitations.

⁴ *Bakalar v. Vavra*, 819 F. Supp. 2d (S.D.N.Y. 2011)

In January 2017, Laurel Zuckerman, ancillary administratrix of the Leffmann estate, argued that the HEAR Act superseded New York's statute of limitations. Unlike in *Philipp*, however, the Met did not concede the point, arguing in a February 2017 reply brief that since the 1938 sale had taken place through a private dealer in Switzerland, it could not be considered a forced sale and, therefore, the HEAR Act was not applicable.

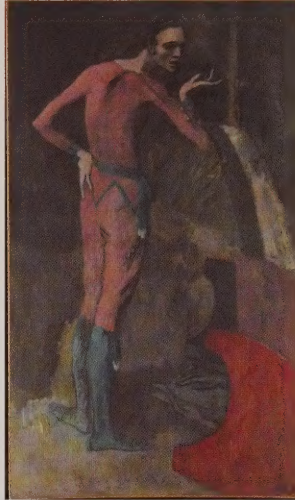


FIGURE 3. PABLO PICASSO. *The Actor*, 1904-05. Oil on canvas. 196.2 x 115.3 cm (77 ¼" x 4 ⅜"). Subject of a restitution claim. Photo: courtesy Metropolitan Museum of Art. © 2017 Estate of Pablo Picasso/ ARS, New York.

—N.D. and S.F.

• • •

ADVERTISEMENT

PROVIDING LEGAL ADVICE
TO ART BUSINESSES, COLLECTORS, NONPROFITS,
ARTISTS, ESTATES, AND MORE.

CAHILL COSSU & NOH LLP

70 WEST 40TH STREET (ON BRYANT PARK) • NEW YORK, NY 10018
P 212.719.4400 • E JCAHILL@CAHILLLAWFIRM.COM
www.CahillLawFirm.com

"ART LAW FOR THE ART WORLD"

ATTORNEY ADVERTISING



Announcing a Major Expansion and Revision to IFAR's Online Provenance Guide

The International Foundation for Art Research (IFAR), a long-time leader in the increasingly important field of provenance research for determining both the attribution and the legality of ownership of a work of art, is pleased to announce the relaunch of its online Provenance Guide on the IFAR Website: www.ifar.org. Vastly expanded and more than doubled in size, the resource has been updated to include information about and links to an enormous amount of newly available digital material, particularly in regard to World War II-era provenance research.

The Provenance Guide was initially launched in 2008 in conjunction with IFAR's Website Initiative, an ambitious project that introduced several new educational and research tools to the public, including IFAR's Art Law & Cultural Property Database and Catalogues Raisonnés Database.

IFAR's Updated Provenance Guide, which is free of charge to all, includes sections on:

- **Getting Started**, a "how-to" for investigating provenance
- **Art Historical Resources for Researching Provenance**
- **Links to Important Archives, Image Databases, Dealer and Sales Records, and other References**
- **World War II-era Provenance Research**, including links to international databases of lost and stolen works and Nazi-era sales databases, a list of red-flagged names, and a guide to using the National Archives
- **Antiquities and Cultural Heritage-related Provenance Research**, with links to International and U.S. regulations, legal resources and guidelines for best practices

International Foundation for Art Research (IFAR)

500 Fifth Avenue | Suite 935 | New York, NY 10110 | Tel: (212) 391-6234 | Fax: (212) 391-8794

www.ifar.org

THE MYSTERIOUS JAMES BRENNERMAN; DID HE EXIST AND WHERE DID ALL HIS FAKES COME FROM?

IFAR Exposes Another Cache of Bogus Pollocks

LISA DUFFY-ZEBALLOS and SHARON FLESCHER*

“The sheer number of potential works involved, and the certain knowledge that more fakes from the “Brennerman Collection” will continue to dupe the unwary, impels us to speak out.”

Ever since IFAR began reviewing works by Jackson Pollock 20 years ago, soon after the Pollock-Krasner Authentication Board disbanded, our Authentication Research Service has examined well over a hundred spurious Pollocks and learned of a troubling number of “collections” of fakes. From the now-infamous Glafira Rosales/ Knoedler Gallery fakes, to the fakes peddled by Long Island con man John Re,¹ now serving time in federal prison, these “troves” have come to us with unsubstantiated, often elaborate and always unverifiable provenances, some involving fictitious people. To this rogues’ gallery, we now add the mysterious James Brennerman (FIG. 1), said to be a wealthy and eccentric German-born collector, the scale of whose purported “collection” of Pollocks, and its back story, may surpass them all.

The collection comes with a dossier of letters supposedly written by Brennerman and photographs said to show different views of his Chicago

mansion, but which in fact – and you can’t make these things up – are actually views of the 15th-century Sforza Castle in Milan and an 18th-century

Bavarian church! As to Mr. Brennerman himself, we could find no record of his immigration into the United States; no record of his death; no record of his life in Chicago; and absolutely no record or convincing explanation as to how he acquired hundreds – yes, hundreds – of works not only by Pollock, but other major artists as well.

Four purported “Brennerman Collection” Pollocks have thus far been submitted to IFAR by three different owners. All turned out to be fakes, and not very sophisticated ones at that. As discussed below, they were stylistically and materially wrong, with forensic tests and other laboratory examinations revealing anomalous paints and other anachronistic materials, and there was no credible documentation whatsoever linking them to the artist.

Given the potentially large number of paintings involved and their wide circulation throughout the U.S., IFAR feels compelled to share what it has learned and put the public on notice about this apparent and audacious scam.

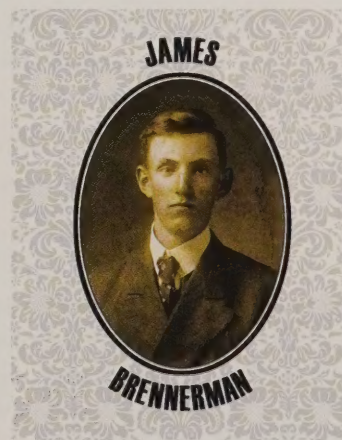


FIGURE 1. Photo said to depict the collector James Brennerman as a young man.

* Lisa Duffy-Zeballos, Ph.D. is the Art Research Director of IFAR and Sharon Flescher, Ph.D. is Executive Director of IFAR and Editor-in-Chief of the *IFAR Journal*. We wish to acknowledge the additional research of Michele Wijegoonaratna, Ph.D., former Art Research Intern at IFAR.

¹ See “20/20 Hindsight: Lessons from the Knoedler/Rosales Affair — An IFAR Evening,” *IFAR Journal*, Vol. 17, No. 2-3, 2016. See also, Lisa Duffy-Zeballos and Sharon Flescher, “Long Island Con Man John Re Sentenced to 5 Years for Fraud that IFAR Helped Expose,” *IFAR Journal*, Vol. 16, No. 1-2, 2015.



FIGURE 2. (above) IFAR# 13.11, acrylic on cardboard, 22 ¾ x 29 in., purported Pollock, “Brennerman Collection”.



FIGURE 3. (right) IFAR# 13.10, acrylic on foam board, 30 ¾ x 27 ¾ in., purported Pollock, “Brennerman Collection”.

“The collection comes with ... photographs said to show different views of [Brennerman's] Chicago mansion, but which in fact—and you can't make these thing up—are actually views of the 15th-century Sforza Castle in Milan and an 18th-century Bavarian church!”

THE BRENNERMAN COLLECTION

In late 2013, we received inquiries from two different owners about three purported Jackson Pollock paintings formerly in the collection of a James Brennerman, a name then unfamiliar to us. Two of the paintings had been purchased from a nightclub (more accurately, a strip club) owner in Roanoke, Virginia, who claimed to have acquired them from Brennerman's former servants, Bert and Ethel Ramsey. The same strip club owner also factors in the provenance of the other Brennerman “Pollocks” submitted to us via intermediary sellers. After careful examination and research, we sent negative reports on all three works in 2014. The following year, a fourth Brennerman “Pollock” was submitted to us, and we later rejected it, too. In addition to the four works we have formally reviewed, we have seen photos of ten other Brennerman “Pollocks”, which appear to be just the tip of

the iceberg. Alarming, we already know that at least one of the four works we rejected has been resold to an apparently unsuspecting buyer.

Two of the three paintings submitted in 2013 were drip, or poured, works imitative of Pollock's paintings of the late 1940s (**FIGS. 2 & 3**). Both were signed “Jackson Pollock” and were undated. They featured garish palettes bearing little resemblance to Pollock's palette or works of the period. The third painting (**FIG. 4**), titled *Homage to Gorky* on the verso, was a small, brushed—not dripped—quasi-figural work on cardboard, signed and dated “Jackson Pollock '42”. Despite their stylistic differences, all three works displayed certain hallmarks of the Brennerman group:



FIGURE 4. IFAR# 13.08 *Homage to Gorky*, paint on cardboard, 12 x 9 in., purported Pollock, “Brennerman Collection”.

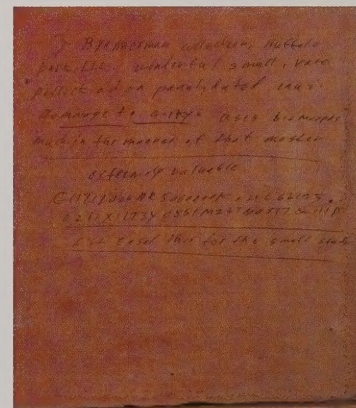


FIGURE 5. Inscription on the backing paper of #13.08.

- The backs of the frames were covered with brown paper.
- The papers bore a handwritten inscription identifying the work as belonging to the James Brennerman Collection.
- The papers also bore lengthy inventory numbers, and Brennerman's notes regarding where the painting would hang in his house (FIG. 5).

The inscription on the back of *Homage to Gorky*, for example, stated:

Wonderful small, rare Pollock oil on panel, dated 1942./
Hommage [sic] to Gorky uses biomorphs/
much in the manner of that master/
extremely valuable E11712026BR5000000K021C66175/
0211X1173Y0561M267N0517Q111P/
I'll easel this for the small study"

This long inventory number, made up of over 50 numbers and letters, apparently incorporated Brennerman's estimation of the painting's value, which in this case was \$5 million.²

One of the owners told us that he personally owned more than 50 Brennerman "Pollocks" as well as hundreds of works by other artists, also from the "Brennerman Collection".

A RECLUSIVE COLLECTOR?

So, just who was James Brennerman, and how did he amass such an enormous art collection without anyone knowing about it? According to the submitted documents, Brennerman immigrated to the United States from Germany in the early 1940s, and eventually purchased a large estate called 'Buffalo Park' on South Prairie Avenue in Chicago. Upon his death in 1974, Brennerman, a lifelong and solitary bachelor, is said to have left his vast art collection to his servants, Bert and Ethel Ramsey.

Although the dossiers presented to IFAR by the two owners of the works submitted in 2013 differed somewhat, both contained facsimiles of photographs said to show Brennerman's family and acquaintances, as well as pictures of his purported Chicago mansion. Also included were decades of

Brennerman's purported correspondence to family members (often in poorly-written German), to his friend and fellow art collector Charles Farmer, and to his servants, the Ramseys, in which he discusses his art collection. Curiously, however, not one of the letters was addressed to Brennerman, and it was unclear how so many of his "sent" letters ended up back in his possession.

In a series of letters dated 1968, Brennerman purportedly writes to Charles Farmer at the latter's estate 'Tall Trees' discussing the pair's planned trip to Long Island to purchase a cache of Pollock paintings from an unnamed collector, who, IFAR was told by the nightclub owner, was Pollock's widow, the artist Lee Krasner. In a letter of August 12, 1968, Brennerman tells Farmer, "We can buy everything in sight. I think carrying a great deal of cash might be the best way to seal this deal." Tellingly, Brennerman repeatedly refers to paying for the paintings with cash (FIG. 6, letter dated September 9, 1968) and to transporting them in his two personal trucks (FIG. 7, letter dated September 29, 1968), thus accounting for the lack of any payment or shipping receipts. The mention of *truckloads* (!) of paintings provided us with the first hint as to how many Pollocks may be involved in the Brennerman group.

In this letter, Brennerman also assures Farmer that if he ever wishes to dispose of his Pollocks, Brennerman will gladly purchase them. Not

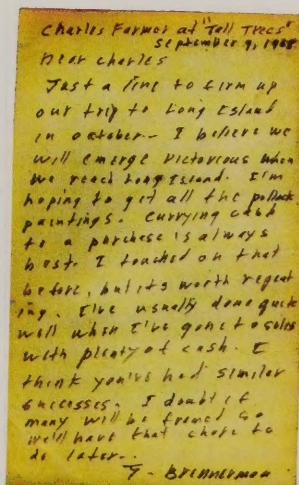


FIGURE 6. Letter said to be from James Brennerman to Charles Farmer, dated September 9, 1968.

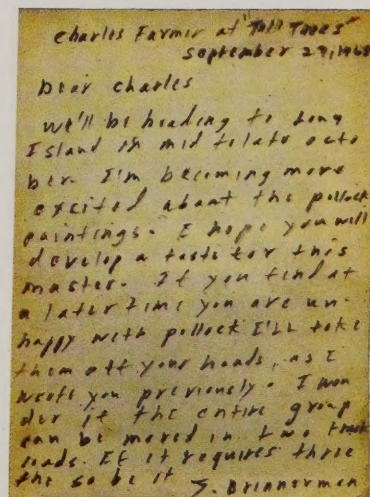


FIGURE 7. Letter said to be from James Brennerman to Charles Farmer, dated September 29, 1968.

² We were told that the value was the number between the letters "BR" and "K" in the inventory number ("BR5000000K").

surprisingly, this is exactly what happens. In a letter dated January 18, 1970, Brennerman tells his servant Ethel Ramsey that he is buying all 112 of Farmer's Pollocks. The full extent of Brennerman's collection is finally revealed in a letter from July 1972, in which he professes to own an incredible 748 works by Jackson Pollock. By way of comparison, the comprehensive Jackson Pollock catalogue raisonné³ lists only approximately 1,100 artworks – total, a number that includes known works that cannot be located.

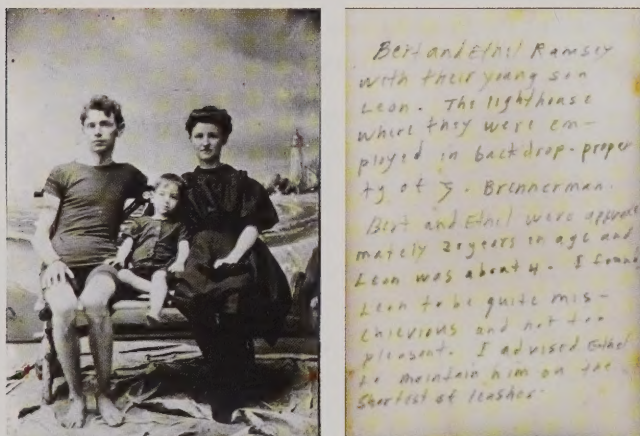
The suggestion that Lee Krasner would have sold over 700 Pollocks, more than half of his known output, wholesale for cash, simply defies belief. There were not that many Pollocks in the artist's possession when he died. Moreover, in 1958, Krasner contracted with the Marlborough Gallery in London, and in 1964, with the Marlborough-Gerson Gallery in New York, to represent her husband's estate.⁴ She would not have sold works directly. Nor was it financially necessary for her to do so. In the 1960s, Pollock's works were selling well. In February 1969, just a few months after Brennerman's alleged buying

spree in Long Island, the Marlborough Gallery sold Pollock's *The Deep* (CR #372) for over \$190,000.⁵

The letters make clear that Brennerman's collection was not limited to Pollocks. They also refer to paintings by Kline, De Kooning, Renoir, Monet, Hassam, Rothko, Manet, Hopper, Motherwell, Gorky, and many other artists, which Brennerman envisions will eventually form the core of his own art museum.

The letters to the Ramseys reveal that Brennerman coached his servants in their taste and knowledge of art. He even allowed them to hang his "Pollocks" in their quarters, but he then grew suspicious, and chastised them for greedily coveting his paintings. The documents suggest that Brennerman's eccentricity and paranoia eventually descended into madness, as his later letters are filled with delusional rants regarding aliens and his plans for world domination. In one letter to Ethel Ramsey dated June 7, 1970, Brennerman describes how he expects to be "transported to another planet over which I will rule. I am destined to become a god." More to the point, these letters serve to establish Brennerman's strange and reclusive nature, possibly in order to explain why none of his paintings was ever publicly exhibited, or perhaps to justify the bizarre bequest of his valuable art collection to his servants.

The photographic evidence presented in the dossier was, if anything, stranger than the correspondence. None of the photos depicted any of Brennerman's paintings in his house, and none show him older than his 20s. A photo said to be of Bert and Ethel Ramsey, both of whom allegedly lived into the 1990s, shows them as adults with their young son wearing turn-of-the-twentieth century bathing costumes (FIGS. 8 A & B). But directly below that photo is one of a man approximately the same age, also said to be Bert Ramsey, wearing a World War II-era army uniform (FIG. 9).



FIGURES 8A and B. A) (left) Photo said to show Bert and Ethel Ramsey with their son Leon; B) (right) Writing said to be Brennerman's.

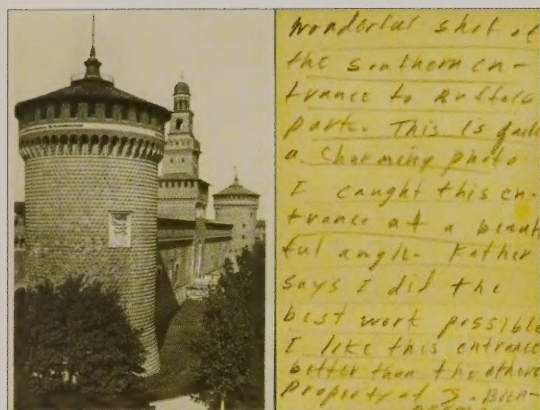


FIGURE 9. Photo said to show Bert Ramsey.

³ Jackson Pollock: *A Catalogue Raisonné of Paintings, Drawings and Other Works*, eds. Francis V. O'Connor and Eugene V. Thaw (New Haven: Yale University Press, 1978); and *Jackson Pollock: A Catalogue Raisonné, Supplement Number One*, ed. Francis V. O'Connor (New York: Pollock-Krasner Foundation, 1995). Works in the catalogue are cited in our text as: (CR #).

⁴ Bobbi Collier, "Pollock's Champions: Peggy Guggenheim, Betty Parsons and Sidney Janis," *Pollock's Champions*, Exhibition held at the Pollock-Krasner House and Study Center (July-Oct. 2014).

⁵ Sold to Sam Wagstaff; Lee Krasner received \$126,000 from the sale. Archives of American Art, Pollock-Krasner Papers, Business Records, Box 3, Fol. 17.



FIGURES 10A and B. A) (left) Photo said to depict the southern entrance of Brennerman's mansion, Buffalo Park; **B) (right)** Sforza Castle, Milan, Italy, showing one of its two round towers on the far left.



FIGURES 11A and B. A) (left) Photo said to show an overview of Brennerman's Chicago mansion, Buffalo Park; **B) (right)** View of the Wallfahrtskirche Mariä Heimsuchung (Das Käpple), Würzburg, Germany.



FIGURES 12A and B. A) (left) Photo ostensibly of the library at Buffalo Park; **B) (right)** Library at Wiblingen Abbey, Ulm, Germany.

"In light of the obviously false documentation provided with the paintings, the inevitable question remained—what evidence was there that the collector James Brennerman ever existed? *We could find none.*"

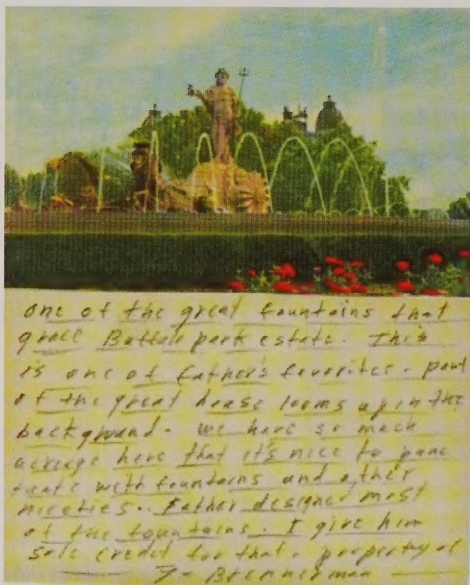
Evidently hoping to impress the reader with Brennerman's vast wealth, the dossier's compilers included numerous photos showing interior and exterior views of his opulent Buffalo Park estate.

As already mentioned, one image

ostensibly showing the "Southern Entrance" to Brennerman's Chicago mansion actually shows the Sforza Castle in Milan (**FIGS. 10 A & B**), while a second photo labeled "Over-

view of Buffalo Park" shows a pilgrimage church in Würzburg, Germany called the Wallfahrtskirche Mariä Heimsuchung (**FIGS. 11 A & B**). Similarly, a photograph said to show Brennerman's library, oddly labeled "Father's fine library at Buffalo Park" (**FIGS. 12 A & B**), in fact depicts the library at Wiblingen Abbey in Ulm, Germany, and a photo of a fountain, described on the back as "one of the great fountains that grace Buffalo Park," is actually the Neptune fountain in Madrid!

(**FIGS. 13 A & B**)



A historian specializing in Chicago's Prairie Avenue informed IFAR that he had never heard of James Brennerman or of a mansion called Buffalo Park. Furthermore, he said, although South Prairie Avenue had been a fashionable address in the nineteenth century, the area went into steep decline in the twentieth century and was largely abandoned by the 1940s.

In light of the obviously false documentation provided with the paintings, the inevitable question remained—what evidence was there that James Brennerman ever existed? *We could find none.* His name doesn't appear in government immigration records, in Social Security records, or in any other government archives we researched. Unable to verify his life, we attempted to investigate his death. According to the dossier, he died in Chicago in 1974 of a heart attack, and his remains were transferred to the Ostfriedhof Cemetery in Munich. We, however, could find no obituary for Brennerman in any Chicago newspaper from the 1970s, and the manager of the Ostfriedhof Cemetery confirmed that no one by the name of Brennerman was interred in that cemetery or crematorium. Nor does his name appear in the federal Social Security Death Index, or the Cook County, Illinois Death Index, and there were no probate estate records or wills registered for James Brennerman in Chicago at the time of his supposed death.



FIGURES 13A and B. **A) (left)** Photo said to show a fountain at Buffalo Park; **B) (right)** Neptune Fountain, Madrid, Spain.

The other players in the Brennerman saga fared no better. We could not find any information or official records regarding Charles Farmer, Farmer's estate 'Tall Trees', or Bert and Ethel Ramsey. In fact, the only reference we found to Brennerman and his associates was on the now-defunct website Mundia.com, which allowed anonymous users to build family trees online.⁶ In the end, we found no evidence that either James Brennerman, his Chicago estate, his friend Charles Farmer, his servants and heirs Bert and Ethel Ramsey, or his art collection *ever existed*.

THE PAINTINGS

More to the point, upon examination with Pollock specialists, the Brennerman Collection paintings did not hold up as Pollocks, either stylistically or materially. The two drip-style paintings submitted in 2013 (**FIGS. 1 & 2**) unsuccessfully borrowed features from two different phases of Pollock's career, with underlayers of brightly-colored gestural brushstrokes, imitative of Pollock's 1946 *Sounds in the Grass* paintings, overlaid with ersatz Pollockian drips of black and white paint. The third painting submitted to IFAR at that time, *Homage to Gorky* (**FIG. 3**), signed and dated 1942, was equally unconvincing. In 1942, Pollock is known to have executed only three paintings, all large works on canvas, none of which bear any resemblance to this work. Rather, *Homage to Gorky* represents a botched mash-up of the autumnal palette

⁶ All of the information on Mundia.com duplicated the information contained in the dossiers submitted to IFAR.

and multicolored background of Pollock's *Croaking Movement* of 1946 (CR #161) with the stenographic marks found in his works of the early 1940s, rendered with ribbon-like strokes that have nothing at all to do with Pollock in either period.

Forensic analysis on the two drip-style paintings was particularly revealing. Six samples were analyzed using FTIR – Fourier transform infrared microspectrometry – and dispersive confocal Raman microscopy to help identify both the pigments and the binding media. Additionally, pyrolysis gas chromatography/mass spectrometry (py-GC/MS) was used to analyze the binding media of some of the samples.

All of the sampled paints turned out to be anomalous for Pollock. All had acrylic binders. But, to date, no acrylic paint of *any* kind has been identified in *any* accepted painting by Jackson Pollock, although two types of acrylic paints – the acrylic resin Magna and the acrylic emulsion Liquitex – were available during Pollock's lifetime. That said, the acrylic paints found in the Brennerman paintings were not consistent with either Magna or Liquitex. Rather, they contained an acrylic emulsion formulation that was not commonly used until the late 1980s.

The results of the scientific examination confirmed our already negative opinion. In our final reports, in which we categorically rejected all three works as by Pollock, we expressed concern that the possible scale of the so-called Brennerman Collection and its continued circulation posed a significant threat to the understanding of Pollock's *oeuvre*, as well as the art market.

Our concerns that more fakes from this group would emerge were soon confirmed, as we began getting inquiries from optimistic owners of *other* Brennerman "Pollocks". One additional Brennerman work was formally submitted to IFAR in 2015. This fourth work, a large abstract painting on cardboard also signed "Jackson Pollock 1942" (FIG. 14), was a brightly-colored brushed composition, with significant passages of finger-painting. Not insignificantly, its dossier was missing some of the *very* documents



FIGURE 14. IFAR# 15.11, paint on cardboard, 32 x 42 in., purported Pollock "Brennerman Collection".

that we had singled out negatively in our earlier reports, in particular the discredited photographs of Brennerman's mansion and much of his early correspondence. Moreover, the painting itself was missing the brown backing paper with Brennerman's comments and the lengthy inventory number that we had criticized in our reports. It was clear that the backing paper had recently been cut away, as vestiges of it remained glued to the edges of the cardboard. Evidently, word of our previous negative reports was circulating.

Stylistically, this work on cardboard (#15.11) fared no better than its Brennerman predecessors. Although dated 1942, the painting had nothing to do with Pollock's biomorphic works of the early 1940s. More likely, the painter of the Brennerman work was attempting to imitate Pollock's early abstract brushed works of the mid-1930s, such as *Overall Composition* (CR #33). But even in those works, as one expert noted, "the forms are more clearly drawn"; whereas, the IFAR composition "dissolves in a flurry of brushstrokes." A conservator confirmed that the paints appeared too pristine and new and the cardboard support too flexible for a painting said to date to the early 1940s. Likewise, the white paper backing of the cardboard, original to the cardboard, fluoresced in ultraviolet light, indicating the presence of optical brightening agents, which were not introduced into paper until 1950, well after the painting's 1942 date.

Thus, none of the four submitted works from the so-called “Brennerman Collection” bore up as Pollocks upon examination. Fortunately, they are not sophisticated fakes. Unlike at least some of the Glafira Rosales/ Knoedler Gallery works, they would not fool any art specialist or sophisticated purchaser. Stylistically, they don’t hold up; the materials are wrong; and much of the documentation accompanying them is laughable. The sale prices are also suspiciously low; most are in the five-figure range, far below what an actual Pollock would be worth today.

That said, we hope to stop this insidious scam from proceeding further. The sheer number of potential works involved, and the certain knowledge that more fakes from the “Brennerman Collection” will

“Not insignificantly, its dossier was missing some of the *very* documents that we had singled out negatively in our earlier reports. ... Evidently, word of our previous negative reports was circulating.”

continue to dupe the unwary, impels us to speak out. As previously noted, we are already concerned that one of the works on which we’ve opined negatively has recirculated. We do not know at this stage who created the works or is the mastermind behind the apparent scam. Perhaps a government investigation is in order. For now, caveat emptor is the catchphrase for any work from the mysterious “Brennerman Collection.”

• • •

IFAR ART AUTHENTICATION RESEARCH SERVICE

For more than forty-eight years, IFAR has offered a unique Art Authentication Research Service, which works to resolve questions concerning the attribution of works of art. As a not-for-profit organization with a distinguished Art Advisory Council and a worldwide network of scholars,

IFAR is free to render objective opinions unaffected by the marketplace.

IFAR offers its services to individuals, dealers, museums, and other institutions. We examine art only for the owner, or with the owner’s consent. We are only able to accept a limited number of projects each year.

As an educational organization, IFAR reserves the right to publish the results of its research.

For additional information, please call (212) 391-6234
or go to www.ifar.org.

MUCH ADO ABOUT NOTHING?

WHAT IS NEW IN THE "NEW" GERMAN CULTURAL PROPERTY PROTECTION LAW

STEFFANIE KEIM*

"Pre-adoption concerns, which led to modifications of the government's 2015 draft, were based on a mixture of legitimate fears, misconceptions and miscommunication. Since the adoption of the new statute in the summer of 2016, however, ... fears and feelings seem to have calmed down."

Germany enacted a new and tougher law in 2016 restricting the export and import of art and antiquities, potentially affecting the German art market. The new law, known as the Kulturgutschutzgesetz (Cultural Property Protection Act or "KGSG") (FIG. 1), caused extensive (mostly negative) press coverage and plenty of agitation across the board of art market constituents prior to its adoption, even though the KGSG is, in fact, an amendment and restatement of existing law rather than entirely new legislation.



FIGURE 1. Photo: www.bundestag.de.

Pre-adoption concerns, which led to modifications of the government's 2015 draft, were based on a mixture of legitimate fears, misconceptions and miscommunication. Since the adoption of the new statute in the summer of 2016,¹ however, and as outlined below, fears and feelings seem to have calmed down.

While some state agencies report an uncertainty among collectors and lenders and a sharp increase in consulting services,² other institutions, among them museums in Berlin, Stuttgart and Mannheim, have reported no initial issues with the law.³

With most of the pre-adoption uproar directed at the export regulations of the KGSG, the import restrictions may prove to have the bigger market impact. The Munich-based auction house owner Robert Ketterer, for example, sees the

¹ The current KGSG was adopted as Article 1 of the law from 31.7.2016/1914 by the German Bundestag with the consent of the Federal Council. According to Article 10 of the KGSG it became effective August 6, 2016.

² See *Monopol*, "Beratungsaufwand stark gestiegen," December 19, 2016.

³ *Süddeutsche Zeitung*, "Kulturgutschutzgesetz: Museen spüren erste Auswirkungen," July 23, 2016; and "Berlin Kultur und Tickets Nachrichten," July 25, 2016.

* Steffanie Keim, Esq., is currently pursuing her Doctor of Juridical Science (S.J.D.) degree at Fordham Law School. She is admitted to the bar in both Germany and New York.

restrictions on the export of works of art posing far fewer problems than the import restrictions. As he told the German magazine *Monopol*, "It will certainly not become easier for us to import art from the EU or other countries quickly."⁴

The Ministry of Culture announced its plans to issue guidance in early 2017 clarifying some of the issues discussed below. It is too early to tell whether the controversy remains a tempest in a teapot or whether mere fear, perceptions, and added bureaucracy and transparency have chilled a market notoriously skittish and opaque. The KGSG definitely appears aspirational in raising the due diligence requirements which have been a much discussed problem in art markets around the world. The law might be less concerned with regulating an existing market and instead creating a new, different market. Only time will tell whether this has been the start of a race to the top or a race to the bottom.

WHAT IS THE KGSG?

There is a common misconception that the protection of cultural heritage is an entirely new phenomenon in Germany, when in reality cultural protec-

tion laws have existed in Germany since 1919.⁵ Prior to the adoption of the KGSG, the protection of cultural heritage in Germany was divided between federal and state legislation – there are sixteen German states, known as Bundesländer – and several laws, such as a landmark preservation and protection act and various archival laws. Now, under the 2016 KGSG, cultural heritage protection is unified on a federal level.

**"Now, under the 2016 KGSG,
cultural heritage protection is unified
on a federal level."**

The KGSG consists of two main parts, which need to be distinguished carefully: export regulations and import regulations, including due diligence requirements. The import regulations seem to be slightly less controversial, although they are not without their problems.

The aim of the KGSG is a coherent law strengthening the protection of cultural heritage, including the efficient return of illegally exported cultural objects to the country of origin and the protection of art and cultural objects considered "national treasures"

Key Points of the 2016 German Cultural Property Protection Act ("KGSG")

- Enacted July 31, 2016
- In force as of August 6, 2016
- Defines cultural property and national cultural property
- Establishes export restrictions (including to other EU countries) based on (a) entry into a Register of Cultural Property of National Significance or (b) age, value and type of object (new)
- Grants export permits for return of Nazi-looted art to claimants outside of Germany with legal title
- Establishes import restrictions for cultural objects considered national cultural objects by another country and illegally exported from that country
- Establishes stringent due diligence and provenance requirements
- Establishes record retention requirements for dealers

⁴ *Monopol*, "Kulturgutschutzgesetz zu bürokratisch," November 28, 2016.

⁵ Rules against permanent removal of cultural objects have existed in Germany since 1919 and in 1955 were codified in the Cultural Property Protection Act (RGBl. S. 1961), which was amended in 1999 and amended again and restated in its current form in 2016.

⁶ Coalition Agreement between CDU, CSU and SPD (German political parties).

against permanent removal from Germany.⁶ The law also implements the EU Directive 2014/60, the UNESCO Convention of 1970, the Hague Convention of 1954, and the Hague Protocol of 1955.

The statute defines "cultural object" as all personal property with artistic, historic or archaeological value or from other areas of cultural heritage, in particular objects with paleontological, ethnographic, numismatic, or scientific value (§2(1) Nr. 10 KGSG).

"There has been no change to the rules regarding the export of cultural objects to *non-EU countries* (e.g., for paintings: €150,000 and 50 years; photographs: €15,000 and 50 years; antiques: €50,000 and 100 years)."

The KGSG's export and import license requirements extend to trade with other EU countries and set forth heightened due diligence requirements to prove that the artwork or cultural object did not enter Germany illegally, was not illegally excavated and was not stolen. In addition, the law implements new and strict due diligence requirements for collectors and dealers, provenance requirements and also record retention requirements for merchants/dealers.

Export restrictions apply based on age and value or if the cultural object is entered in a Register of Cultural Property of National Significance ("RCPNS" or "Register"), which is the case if it is deemed to be particularly significant for the cultural heritage of Germany by an independent panel in the German state the object is located in.⁸

Import restrictions apply if the cultural object is deemed a national cultural object by a European Union Member State or one of the signatory countries of the 1970 UNESCO Convention and it was exported from such country illegally.

⁷ http://www.kulturgutschutz-deutschland.de/DE/3_Datenbank/Kulturgut/kulturgut_node.html

⁸ Each state (Bundesland) operates its own Register and there is no federal register based on the federal law.

⁹ §§ 21-27 KGSG.

EXPORT REGULATIONS⁹

The law contains two types of export restrictions: restrictions with regard to cultural property registered in a Register of Cultural Property of National Significance and a broader export license requirement based on the age and value of the objects differing for different types of objects regarding the export to another EU country (e.g., for paintings the threshold is: €300,000 and 70 years; photographs: €50,000 and 75 years; antiques: €100,000 and 100 years).

Regulation (EC) No 116/2009 on the export of cultural goods still applies, and there has been no change to the rules regarding the export of cultural objects to *non-EU countries* (e.g., for paintings: €150,000 and 50 years; photographs: €15,000 and 50 years; antiques: €50,000 and 100 years).

It, therefore, is still easier to export an object within the EU. For example, a 60-year-old painting worth €200,000 can be exported to Paris or London without an export license but needs an export license if it is sent to New York. How the United Kingdom's decision to leave the European Union, known as Brexit, will affect the UK and other European art markets and, for that matter, the impact of the KGSG remains to be seen.

Unlike prior versions, the KGSG in Section 6 contains a definition of national cultural property that includes cultural objects in a museum or collection of the federal or state government. In addition, the entry of a cultural object in a Register is, in itself, constitutive for its classification as national cultural property.

THE REGISTER

A cultural object is entered in a Register of Cultural Property of National Significance by the highest state authority pursuant to §7 KGSG if it is deemed particularly significant for the cultural heritage of Germany, its states, or one of its historical regions. Such significance exists when the object contributes to the sense of identity for German culture, and its

¹⁰ See § 24(2) KGSG for age and value in connection with Appendix 1 of the Regulation (EC) No 116/2009 for categories.

permanent removal from Germany would signify a substantial loss for German cultural heritage.¹¹ It is important to note that such a culturally significant object need not have been created in Germany or by a German national.

An entry in a RCPNS carries significant tax benefits, and an application for removal from the RCPNS can be made based on hardship. If a cultural object re-enters Germany after being out of the country for five years, the owner can apply for the assurance that the object will not be entered in a Register. Owners extending a loan to a German institution can apply for a guarantee that the object will not be entered in a Register, and foreign lenders can apply for a legally binding return commitment valid for two years.¹² The binding return commitment has been part of the law since 1998 and is part of almost every major exhibition in Germany containing objects from foreign lenders.

A bone of contention leading to confusion and overreactions during the pre-adoption period concerned living artists. After a massive outcry, the enacted statute states that works of living artists may only be entered in a Register with the artist's consent and can be exported by the artist himself to another country without an export license.¹³ Gerhard Richter, for example, remains free to take and sell his own works in London or New York. The same is not true, however, for a collector wanting to sell a Richter work at auction in London or New York, who would be required to obtain a (temporary or permanent) export license, even if the work were purchased at auction by a German national.

Entry in a Register can take place *ex officio* or by application of the owner. The decision is made by an expert commission in the state the cultural object is located in. The five-member expert commission consists of experts from museums, academia, as well as dealers and private collectors who

are appointed for five-year terms. The decision whether or not to enter an object in a Register must be rendered within 10 business days. To date, no expert commissions have been appointed based on the new statute, and once such appointments occur they will be made public.¹⁴

"After a massive outcry ... works of living artists may only be entered in a Register with the artist's consent and can be exported by the artist himself to another country without an export license."

It is important to note that the default mechanism is to grant an export license unless one of the listed prohibitions applies. But the requirement to apply for an export license not only adds red tape but also, at least in theory, involves the risk that the cultural object will be placed in a Register *ex officio* and embargoed while the entry procedure is pending, thereby endangering a potential sale even if the object ultimately is not entered in a Register.

Contrary to common perception, being listed in a Register does not *automatically* prevent the export of the object; however, an export license will be denied if circumstances indicate that the legitimate interest in retaining the cultural object within German territory prevails. If a permanent export license is granted for an object listed on a Register, the object will be removed from the Register. Should a permanent export license be denied, the owner can apply to the government for a purchase offer, but he does not have a put option or the "right" to a matching price.

Nazi-looted works of art may be exported to return them to the original owner or heirs outside of Germany if a binding decision between the involved parties exists. This exception, however, is narrow and only applies in cases where the stakeholder is not within Germany. If the original owner or heir, for example, resides within Germany and wishes to export the artwork or object after it

¹¹ §§ 7- 13 KGSG.

¹² §§ 73-76 KGSG.

¹³ Artist Georg Baselitz staged one of the most spectacular protests when he recalled all his works on loan to German museums, fearing they could be lost for the international market through the new law. *Der Spiegel*, "Wie deutsch ist Nofrete?," July 25, 2015.

¹⁴ http://www.kulturgutschutz-deutschland.de/DE/5_Sachverstaendige/5_sachverstaendige_node.html

is restituted to him, he is bound by the considerations mentioned above.

From 1955 to 2016 only about 2,700 cultural objects (partially containing several objects or collections) were entered in a Register.¹⁵ According to the Minister of State for Cultural Affairs and Media, Monika Grütters, prior to the adoption of the new statute, not a single cultural object in private hands had been declared national cultural property and entered in a Register.¹⁶ In addition, she has stated that it is unlikely that privately owned individual works by certain artists who are considered to be essential to German identity will be entered in a Register since many important works by such artists are already in German museums.

In Hamburg for example, a total of 28 applications for temporary and permanent export licenses (including both categories, objects listed on a Register or based on age and value) have been filed in the two months following the adoption of the amended and revised KGSG, all of which have been granted within the required ten business days.¹⁷

IMPORT REGULATIONS¹⁸

One of the new features of the KGSG is that for importation *into* Germany, a valid export license is needed for the work of art or antiquity from its country of origin if one is required by the law of that country. Furthermore, there are new stringent due diligence requirements intended to determine whether the cultural object has been stolen, illegally imported into Germany or illegally excavated.

This aspect of the KGSG potentially strengthens patrimony laws of other countries such as Italy, for example, since now if an object is illegally exported from Italy, its import into Germany is illegal and the object is subject to seizure, confiscation and eventual restitution to Italy.

¹⁵ In the state of Thuringia for example only six cultural objects are listed in the state Register.

¹⁶ *Deutschlandfunk*, "Kulturgutschutzgesetz: Kunst oder Geld?," November 2, 2015.

¹⁷ Written inquiry by the MEPs Dietrich Wersich (CDU) from the 05.10.16 and response of the Senate.

¹⁸ §§ 28-30 KGSG.

RATIONALE

A revision of the existing cultural heritage protection law had been debated in Germany on and off since the 1980s and according to the federal Ministry of Culture and Media, the KGSG focuses on four main objectives:

- Transparency and legal certainty
- More effective action against illicit trade
- Closing a legal loophole in the 1955 law
- Protection of public collections

Transparency and Legal Certainty

The goal of the new law is to interconnect central areas of heritage protection – export, restitution and prevention of the loss of the object to Germany by permanent removal – into one law, as well as to systematically and coherently implement EU and international requirements, and modernize procedural and conceptual terms, which now include "due diligence."

More Effective Action Against Illicit Trade

According to a report¹⁹ by the federal government, the Cultural Goods Restitution Act (*Kulturgüterrückgabegesetz*)²⁰ of 2007 was ineffective and strained bilateral relations with numerous other signatory countries of the 1970 UNESCO Convention.²¹ Not a single object was returned as a result of the 2007 Act. Returns were based on auxiliary constructions via customs and import violations.²²

The implementation of new EU law, particularly the Cultural Return Directive of May 2014, as well as the improved implementation of the 1970 UNESCO Convention, are a focus of the new German law at a time when world heritage is threat-

¹⁹ Bundesrat Drucksache 538/15, Draft Legislation of the German Government.

²⁰ Law on the implementation of the UNESCO Convention of 14 November 1970 on measures for the prohibition and for preventing the illegal import, export and transfer of ownership of cultural property and on the implementation of Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (Cultural Goods Restitution law).

²¹ The International Council for Monuments and Sites (ICOMOS), archaeologists and antiquity authorities criticized Germany for years. *Deutschlandfunk*, *op. cit.*, November 2, 2015.

²² *Ibid.*

ened as a result of armed conflicts and crises and many countries are not, or are no longer able to protect their cultural heritage.

Closing a Legal Loophole in the 1955 Law

With the KGSG amendment, Germany is the 27th out of 28 Member States of the European Union with national restrictions regarding export within the EU as well as restrictions based on EU directives regarding exports to non-EU countries.²³

Prior to the amendment, it was possible to circumvent the export license mandated by EU law since 1993 for export to countries outside Europe by first moving the object from Germany to another EU Member State and transferring it out of the EU from that EU Member State.

Germany was one of very few EU countries allowing cultural objects to be exported to another EU country without export authorization, thereby avoiding an application for an export license and the entry of the cultural object into a Register. This route was used in the past to bring cultural objects, which in Germany would have been classified as "nationally valuable" in the export license application process, into other EU countries. Since the object was not regarded as "nationally valuable" under the regulations of the other EU country, and had not left Germany unlawfully,²⁴ it was possible to obtain the EU export authorization from another EU Member State. Thus, objects were able to leave Germany lawfully via another European Union country.

Protection of Public Collections

The broad protection of all collections in public museums, library and archives in Germany through their classification as national cultural property primarily serves to secure EU law and international return claims. If cultural objects are stolen from museums and are illegally transferred

to a foreign country, Germany now has a claim under international law or EU law respectively.

"A culturally significant object need not have been created in Germany or by a German national."

WHAT NOW?

Since cultural significance is not tied to the nationality of the artist, art market participants, despite the KGSG's stated objective of adding clarity and transparency, remain nervous regarding the application of the law, particularly with regard to the question what is considered national cultural property.

Another major issue, despite long-standing precedent to the contrary, is the ongoing debate whether the export restrictions are a violation of property rights and constitute expropriation. The federal government is convinced they are not; that the precedents²⁵ stand and that export restrictions are a legitimate intrusion into property rights, since according to the German constitution (*Grundgesetz*), property, as part of its social function, bestows responsibilities as well as rights upon its owner. Similar to the concept of *noblesse oblige*, property, under this view, is also obligated to serve the common good.

It remains to be seen whether the government, in its promised guidance, will address the question whether an owner wanting to take his works of art or antiquities outside of Germany (either due to moving his residence or wanting to bring the works to a second home) would be denied a temporary or permanent export license. As it stands, such a case falls squarely under the license requirement of the law, which does not focus on a change of *ownership*, but on a physical transfer and removal of the object from Germany. A similar provision under Italian law apparently made it impossible for a collector to relocate and take his works of art and antiquities with him.²⁶

²³ Among others, Italy, France, the United Kingdom, and Spain have cultural heritage export restrictions. The Netherlands and parts of Belgium being the exception ("Bericht der Bundesregierung zum Kulturgutschutz in Deutschland").

²⁴ Since there was no export permit requirement for export within the EU market.

²⁵ For example, Administrative Court Decision Berlin, 2006 re Edition Peters (music library now located in Leipzig).

The German government seems to be under the, possibly misguided, impression that the law will actually strengthen the German art market since it does not prohibit the sale to a foreign purchaser, but merely the export; thereby, at least in theory, moving a sale which would have previously taken place in London, for example, into the German art market. Germany has been a strong player in the market for antiquities. Now, due to the new stringent import and due diligence restrictions, Germany may no longer be a marketplace for *illicit* antiquities, thereby shutting down a valuable avenue for money launderers and looters.

According to the head of the Cologne auction house Lempertz, Henrik Hageman,²⁷ red tape and bureaucracy are the biggest issues under the new law. In most cases, private consignors do not have the required paperwork and invoices. As a result, Lempertz, like other auction houses and galleries, is doing more business through its office outside of Germany.

One of the critical voices was and is the director of the Sprengel Museum in Hannover, Germany, Reinhard Spieler. Spieler was very concerned, in part due to poor communication, which left museum professionals in the dark and unable to communicate efficiently with their collectors because of the numerous changes to the law prior to becoming effective.²⁸ Following the adoption of the statute, however, he sees no major concerns for museums. In fact, he believes it actually helps museums since the statute makes it more difficult to sell works, thereby protecting museums from overzealous municipal financial departments wanting to sell off assets. Spieler does, however, still see problems based on the vagueness of the law and uncertainty of its application, as it is not clear what conditions must be met for an object to be placed in a Register.

While the German Museum Association seems to have welcomed the law, a scathing open let-

ter of eleven former museum directors including Götz Adriani, Klaus Gallwitz and Wenzel Jacob, addressed to the Minister Presidents of the states²⁹ prior to the adoption of the KGSG, brought up a further objection; namely, that the law would establish export criteria based on the euro value of a work of art without indicating a calculation basis. But the value of a work of art is fundamentally different from place to place, from year to year and has rapid trends. There are different reviews: purchase price against sale price, material value, market value, time value, replacement value, auction approach value, appraised value, insurance value among others.

Since cultural objects now have an "expiration date," the attribution of the exact year of creation will become much more important for deceased artists of the twentieth and twenty-first century and there might be a "rush to auction" of works from a certain period of an artist before the age limits apply. Overall, the concept is an evolving one, and cultural objects may age in and out of the scope of application of the law based on the passage of time and national cultural self-perception influenced by connoisseurship and scholarship.

**"Since cultural objects now have an
"expiration date," the attribution of the exact
year of creation will become much more
important for deceased artists of the twentieth
and twenty-first century ..."**

Like others, the art and art market expert Stefan Koldehoff had expected scandalous conditions and dramatic sales slumps following the media storm preceding the adoption of the statute; however, such bad news has not reached him yet.³⁰ Only time will tell whether that means that the worst is over or whether the worst is still to come.

²⁶ *Der Spiegel*, *op. cit.*, "July 25, 2015.

²⁷ *Monopol*, *op. cit.*, November 28, 2016.

²⁸ Interview with NDR on August 1, 2016.

²⁹ http://www.bvdg.de/aktuelles_Offener_Brief_Museumsdirektoren_zum_KGSG

³⁰ NDR.de, Kulturgutschutzgesetz: "Die Verunsicherung ist groß," December 27, 2016.

REMEMBERING THE FLORENCE FLOOD — 50 YEARS LATER

An IFAR Evening, November 14, 2016



SPEAKERS (IN SEQUENCE)

SUSANNE P. SACK

Former Chief Conservator, Brooklyn Museum of Art;
Honorary Fellow, International Institute for Conservation

PHILIPPE de MONTEBELLO

Director Emeritus, The Metropolitan Museum of Art;
Fiske Kimball Professor, Institute of Fine Arts, NYU

MARCO GRASSI

Paintings Conservator and Consultant;
Member, IFAR Art Advisory Council

INTRODUCTION

The *IFAR Evening* on November 14, 2016, a sold-out program at Scandinavia House in New York, was a simultaneously fascinating and sad event — sad in that it commemorated the 50th anniversary of the disastrous Florence Flood of November 4, 1966, and fascinating because all three of the distinguished speakers were in Florence, Italy at the time of the flood, or soon thereafter, and lent their personal insights and reminiscences.

On that fateful day in November 1966, the city of Florence suffered its worst flood in more than 400 years. At its highest — in the area of the Basilica of Santa Croce — the water in the city reached approximately 22 feet. With the water, came the mud. Many people lost their lives, and thousands were made homeless. The loss to property was incalculable.

But Florence is not just *any* city; it houses some of the world's greatest art treasures. Masterpieces by Cimabue, Ghiberti, Uccello, Pisano, and Donatello, among hundreds of other works of art, were damaged — Cimabue's *Crucifix* irreparably — as were more than a million books and manuscripts. Conservators and volunteers — “Mud Angels” — from all over the world, in an extraordinary international effort, went to Italy to help. Conservation work went on for years, until recently.

In addition to the three outstanding talks, program attendees were treated to highlights from the documentary film, *Florence: Days of Destruction*. Directed by Franco Zeffirelli, a native Florentine, and narrated by actor Richard Burton, the film was produced in both Italian and English within weeks of the disaster. IFAR showed approximately 35 minutes from the English version, using a rare copy lent to us by the University of Maryland. The version IFAR showed included comments by then Senator Edward (Ted) Kennedy of Massachusetts, whose sister-in-law, former First Lady Jacqueline Kennedy, was Honorary President of CRIA, the Committee to Rescue Italian Art, a nonprofit organization established in the U.S. in the wake of the flood to spearhead fundraising and help coordinate restoration efforts.¹ The film reportedly helped raise approximately \$2.5 million for CRIA (almost \$20 million today). On the following pages are the edited proceedings of the *IFAR Evening* talks and Q&A.

¹ For more information about CRIA, see Committee to Rescue Italian Art, Papers: Palazzo Pitti Office. Biblioteca Berenson, Villa I Tatti – The Harvard University Center for Italian Renaissance Studies. (Abbreviated as CRIA PITTI), and Committee to Rescue Italian Art, Papers: Villa I Tatti. Biblioteca Berenson, Villa I Tatti – The Harvard University Center for Italian Renaissance Studies. (Abbreviated as CRIA VIT.) See also, CRIA.itatti.harvard.edu

IFAR EVENING — REMEMBERING THE FLORENCE FLOOD

SUSANNE P. SACK*

“Florence, the great city of the Renaissance
..., was an oily, muddy, smelly mess.”



I am happy to share with you some of my experiences of 50 years ago after the devastating flood of Florence on November 4, 1966.

The Zeffirelli movie – *Florence: Days of Destruction* – showed us how the Arno overflowed its banks and Florence experienced its worst disaster ever, worse even than the previous great flood, which, curiously, occurred at the same time of year, on November 3, 1844.



FIGURE 1. Flood-damaged shops along the Ponte Vecchio in Florence, November 1966. Photo: S. Sack.

* Susanne P. Sack, a paintings conservator, is the former Chief Conservator of the Brooklyn Museum, and was in the museum's conservation department for 25 years until she retired. In 1966 she was part of a team of conservators that went to Florence to help in the aftermath of the flood.

The water that raced through the city, following heavy rains in October and the opening of the dam above Florence to keep it from breaking, took with it the embankments, trees, windows, doors, household goods of all sorts, and fuel oil. It dumped hundreds of tons of mud everywhere. The shops on the Ponte Vecchio were virtually destroyed, and everything that was in them went into the Arno (**FIG. 1**). The water battered everything in its path, tossed cars about like dolls and, with speeds of about 40 miles an hour, broke down church doors, upturned stone floors and rose to a little over 20 feet in the lowest parts of Florence, which included the area where both the Basilica of Santa Croce and the Uffizi Gallery stand.

At 7:26 a.m. *exactly* on that fateful morning, the electricity went off in Florence, and the city was cut off from the rest of the world. Although it was still raining, the waters began to recede at 9 p.m., November 4th, leaving an isolated and paralyzed city. With no electricity, there were no telephones, nor heat, gas or running water. There was little or no fresh food and a drainage system that was either clogged or totally destroyed. Mud was waist high in places; debris and oil were everywhere. Santa



FIGURE 2. The interior of the Basilica of Santa Croce, showing floors covered with mud from the flood. Photo: © David Lees, *Life* Magazine, Nov. 28, 1966.



FIGURE 3. Andrea Pisano's *Life of John the Baptist*, gilded bronze, c. 1330-36, south door, Baptistery of San Giovanni in Florence, showing one missing panel and a horizontal crack soon after the flood. Photo: S. Sack.

Croce was covered with mud (**FIG. 2**). One of the plaques from Andrea Pisano's Baptistery door was missing, and the door itself was cracked (**FIG. 3**). The panels that were swept around in the floodwaters were not lost, however, because they remained within the fence that surrounds the Baptistery.

Efforts to rescue art and books had begun in the early hours of November 4 when night watchmen alerted officials and staff of both the Uffizi and Biblioteca Nazionale, who rushed to move paintings, books and other valuable objects to any place considered high and safe.

By the dawn of November 5, the rest of the world learned that a major disaster had occurred. Florence, the great city of the Renaissance with world famous collections, was an oily, muddy, smelly mess. That day, rescue efforts began in earnest. Students, who could not go to their classes, sprang to help. The work was difficult and smelly, and it was cold and damp. Masks and gloves were necessary. From then on, and for months afterwards, the students, dubbed Mud Angels, helped move works of art to safety, and did the heavy and dirty work of helping the Florentines clean out their

houses of all manner of destroyed possessions. Army trucks then picked it all up and dumped it into the Arno. Other students from all over also came to help and initially slept wherever they could. Several hundred American students were already in Florence.

In the United States a group of art lovers and scholars *immediately* organized the Committee to Rescue Italian Art (CRIA), with former First Lady Jacqueline Kennedy as Honorary President. On November 8, Professors

Fred Licht of Brown University and Frederick Hartt of the University of Pennsylvania went to Florence to investigate the damage and reported that conservators and materials were needed. Lawrence Majewski, Director of the Conservation Center at the Institute of Fine Arts, New York University and a member of IFAR's Art Advisory Council for 30 years until his death, was charged with assembling a group of conservators to go to Florence. Another member of the group, Hubert von Sonnenburg, Chief Paintings Conservator of the Metropolitan Museum, was also a member of IFAR's Art Advisory Council for about 30 years, until *his* death.

“The students, dubbed Mud Angels, helped move works of art to safety, and did the heavy and dirty work ...”

When Larry phoned to ask me to join the group, he told me that our *expenses* would be paid, but *we* would not be, and those of us who were staff members of institutions should ask that our salaries be continued while on this mission. Thomas S. Buechner, Director of the Brooklyn Museum, agreed, and my husband supported me in this mission. The *purpose* of our trip was to evaluate the

situation so that restoration of the different types of damaged objects could be planned.

All systems were ready to go until I discovered that my passport had expired. This was at the end of the week, and we were scheduled to fly out Monday evening, November 14, courtesy of Alitalia. I hastily phoned the Passport Office in Rockefeller Center to request a new passport by Monday. That was a no-go until they learned that Mrs. Kennedy was the Honorary President of the organization.

None of the 17 conservators on this first mission knew what to expect. Reports were varied and fragmentary. We each brought whatever we thought would be needed – a variety of papers, brushes, and adhesives. We also brought food – canned tuna, peanut butter, packets of cheese, as well as tablets to purify water for drinking. Happily, these items turned out to be unnecessary. We were also advised to have current vaccination and typhoid shots.

We were the only passengers on the flight to Rome. The crew was very kind; they knew why we were going to Italy.

Upon arrival, an attaché of the American Embassy told us there were no more high boots left in Florence, so, if we hadn't brought boots, we would have to buy them in Rome. He also told us that Florence was still in a state of emergency. This was 11 days after the flood! We had a splendid lunch (our anticipated last good meal) on the deluxe train to Florence, where we were met by a member of the U.S. Consulate and a U.S. Army truck. We were to go to I Tatti for a briefing. The men went in the truck with the suitcases and materials we had brought, while the three women went by car. I Tatti was the former villa of Bernard Berenson and is now the Harvard Center for Renaissance Studies. Overnight, it had become the headquarters of CRIA in Florence, and Myron Gilmore, its director, had become CRIA's representative in Florence.

At I Tatti, we learned the magnitude of the disaster and we were given our first assignment. On November 16 we were all sent to different libraries to help with interleaving books. I was sent to the law library

of the University of Florence, which I thought was appropriate since my husband is a lawyer.

It was cold and damp in Florence and mold (*muffa*) was already evident in many places. I asked the students helping in the classroom where I was working to open the windows for ventilation to help prevent mold from growing. They grudgingly did. But when I returned from lunch, of course, the windows were closed; they were grudgingly opened again. None of us were sent to the Uffizi or other museums because, in an *extraordinary* effort, all the damaged paintings had already been faced. After the meeting at I Tatti, we were taken to a pensione up the hill in Fiesole, which had closed for the season. They were happy to open for us. We had breakfast and dinner there, and they provided sandwich lunches. In Florence, delicious espresso was sold at pickup stands. Chianti was also available.

Each day we took a bus to Piazza San Marco and then walked to our assigned site. Walking the streets was treacherous because of the slippery, oily



FIGURES 4A and B. Flood-damaged books, manuscripts, documents, and newspapers spread out on the floor, many of them interleaved. Photos: S. Sack.

mud, and it was very smelly because of the rotting possessions people were putting on the curb for Army trucks to take away. I had to hold a handkerchief up to my nose. We reversed the trip to return to our pensione and dashed to take a shower. The last ones got cold showers, as too many showers at once quickly used up all the hot water.

“The consensus was that it would take at least 6 months for the walls to dry ...”

At the end of the first day, we returned to I Tatti to meet the Italian officials in charge of the rescue operations and were given assignments for the next few days. We were divided into groups, with a person fluent in Italian assigned to each group.

Book and paper conservators were to continue to help with the thousands of damaged books, documents and newspapers (FIGS. 4A and B). The rest of us went first to the Refectory of Santa Croce (FIG. 5), or the Bargello, and subsequently to the Basilica of Santa Maria Novella. Meanwhile, William Young, the head of the scientific department of the Museum of Fine Arts, Boston, recognizing the great need for an up-to-date, well-equipped scientific laboratory, worked to arrange that.

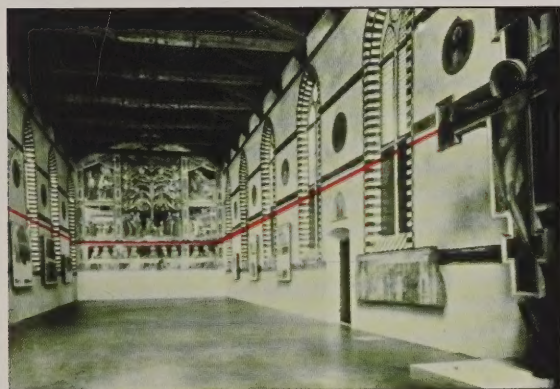


FIGURE 5. The Refectory of Santa Croce, with the red line indicating the height reached by the flood waters. Photo: Alinari.

The effort at these various locations was directed toward removing the oil. Poultices of different powders and with a variety of solvent mixtures were applied and held in place until the powder was dry and were then removed to see and compare the

results (FIGS. 6–8). One of the great concerns – the subject of much dinner-time conversation – was how long it would take for the walls, frescoes and panel paintings to dry. The consensus was that it would take *at least* 6 months for the walls to dry and that they should be dried from the inside out (with heaters and fans) to prevent salts from migrating inward, which could damage the frescoes.

The Basilica of Santa Maria Novella was another flood-damaged church. With other conservators, I spent time working in the Basilica’s Green Cloister, whose frescoes by Paolo Uccello and followers sustained damage from particularly heavy oil deposits (FIGS. 9–12). For the thick areas of oil, we tried larger areas of poultice in the hope that we would be able to treat things in a broader space and get more done.

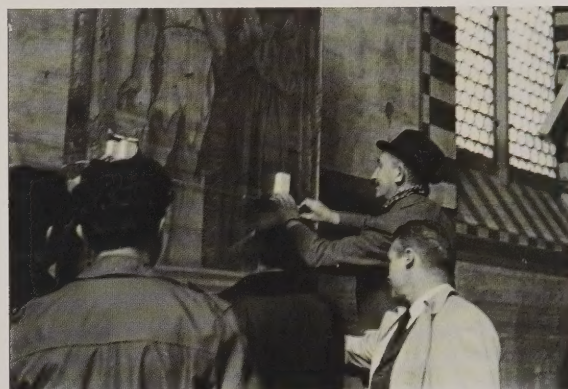


FIGURE 6. Professor Tintori, an Italian restorer, in the Refectory of Santa Croce tying a rope to hold three different packets of poultices. Photo: S. Sack.



FIGURE 7. Conservators, with Larry Majewski at the far left, comparing the results of the poultices. Photo: S. Sack.

“The flood ... brought conservators from all over the world together in a new dialogue.”

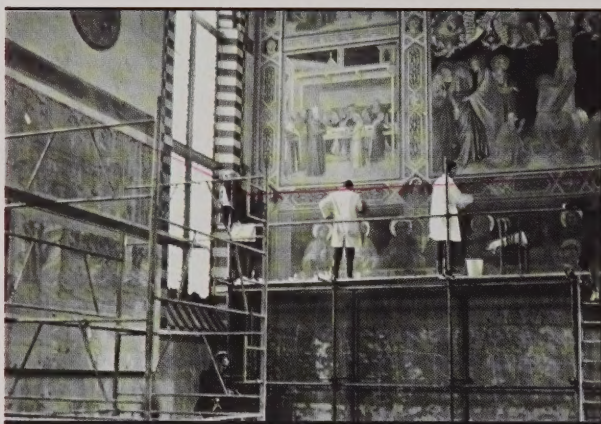


FIGURE 8. Conservators on scaffolds in front of Taddeo Gaddi's *Last Supper* (c.1334-36) in the Refectory of Santa Croce assessing the flood damage.



FIGURE 9. The Green Cloister of the Basilica of Santa Maria Novella, with horizontal dark lines on the pilasters marking the water levels as the flood waters receded. Photo: S. Sack.

Among many other decisions, we determined that the Limonaia at the Boboli Gardens should be fitted out with racks so that the panel paintings could be laid flat to dry slowly in a controlled environment. It was also decided that the top floor of the 14th century Palazzo Davanzati would house the modern scientific laboratory to be formed under the supervision of William Young. On the same floor, separate conservation studios were to be set up for art in different media. For example, the British agreed to equip a studio for the treatment of wooden objects; the Germans another room for textiles, tapestries and

church vestments. The international cooperation was truly heartwarming.

One of the significant effects of the flood was that it brought conservators from all over the world together in a new dialogue. The sincere desire to

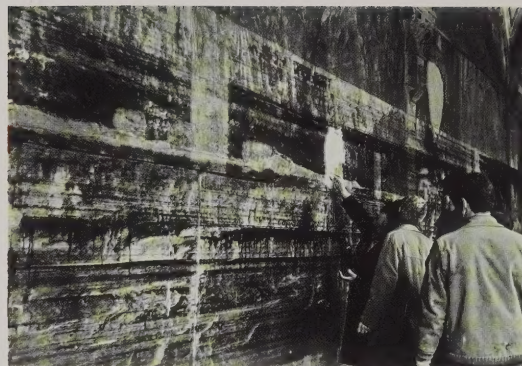


FIGURE 10. Interior of the Green Cloister showing an area of particularly heavy oil deposits over the frescoes. Photo: S. Sack.



FIGURE 11. Test and Cleaning area for the frescoes in the Green Cloister. Photo: S. Sack.



FIGURE 12. Three conservators, including Hubert von Sonnenburg of the Metropolitan Museum on the left, at the Green Cloister. Photo: S. Sack.

help in the face of clearly the worst disaster Florence had ever sustained opened the doors to a better exchange of information, which continues today.

• • •

IFAR EVENING — REMEMBERING THE FLORENCE FLOOD

PHILIPPE DE MONTEBELLO*

“Unlike my two fellow panelists who came to Florence *after* the flood, I was *there* on November 4th.”

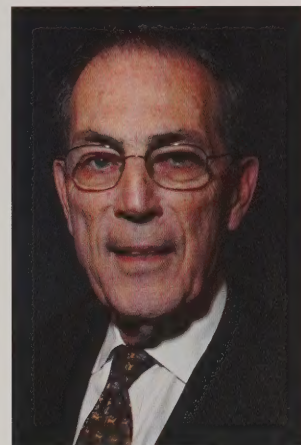


FIGURE 1. FRANCESCO DI GIORGIO MARTINI, *Madonna del Terremoto* (Virgin Protecting Siena during the 1466 Earthquake). Oil on wood, 1467. Archivio di Stato, Siena.

* Philippe de Montebello is Director Emeritus of The Metropolitan Museum of Art, where he served as director for 31 years before leaving in 2008. Currently, he is the Fiske Kimball Professor at the Institute of Fine Arts, New York University, and also the host of the local PBS television program, NYC-ARTS.

Unlike my fellow panelists, who, as distinguished conservators, contributed a great deal to the restoration of many of the works of art in Florence, I was a young curator at The Metropolitan Museum of Art in 1966, with none of those skills. However, unlike my two fellow panelists who came to Florence *after* the flood, I was *there* on November 4th. I was staying in a pensione on the Via dei Calzaiuoli, and had breakfast on the morning of the 4th on the Ponte Vecchio. My first and very distinct memory – and it certainly came to life again during the film – is that I literally ran from the little restaurant back to my pensione to try to stay ahead of the water. I failed. I think I had water up to my knees by the time I got to the pensione. So, I can understand the fear, the terror, and of course what happened later. Fortunately, the pensione doors closed, and we all moved to the second floor.

It is worth remembering that despite all of the immense artistic wealth in Italy, it is also, ironically, a country that has been subject to enormous numbers of natural calamities, so many that there are any number of paintings meant to intercede with the Virgin and the saints against an earthquake (**FIG. 1**), or the plague, or a flood. The thing about my stay in the little pensione on the Via dei



FIGURES 2A and B. 2A (left). Map of central Florence, with Via dei Calzaiuoli highlighted in yellow. **B (above).** Florence street scene, November 4, 1966, showing the flood waters outside the Baptistery of San Giovanni on the left and Duomo (cathedral) on the right.

Calzaiuoli – shown in yellow in **FIGURE 2A** – is that it was the direct link from the Ponte Vecchio to the Piazza del Duomo, to the Baptistery. From the second floor where we took refuge, we looked down and saw the cars and the furniture move at phenomenal speed, as the film said, 30-35 miles per hour. We saw it. Literally. Leaning out the window, I saw the muddy water banging against the Ghiberti doors of the Baptistery (**FIG. 2B**).

“I took Harold Acton to the Piazza del Duomo, where we saw the Ghiberti doors. I will never forget; [he] just stood there and wept.”

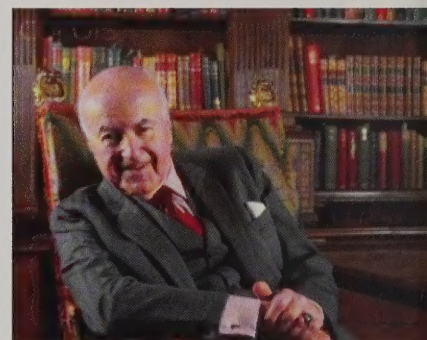
I was in Italy on a travel grant from The Met. My boss, Theodore Rousseau, Curator of European Paintings, had gotten me an introduction to Sir Harold Acton, the great writer and historian, in the Villa La Pietra.¹ I had a longstanding date to lunch on November 5 at La Pietra. Because of the flood, there was no telephone, no electricity, no link whatsoever with the outside. The next morn-

¹ The Villa La Pietra, Sir Harold Acton's estate on the Via Bolognese just outside the city of Florence, was bequeathed upon his death in 1994 to New York University.

ing, without boots – I didn't have any boots; I had not anticipated this – I walked and saw panels from the Ghiberti doors down on the ground. I walked into the Baptistery and saw the great *Magdalene* of Donatello with water up to her blonde hair and stained with oil.

But then I looked at my watch and realized that I had a luncheon date with Sir Harold Acton, who must surely have been waiting for me. I decided to walk the four kilometers up the Via Bolognese to the Villa La Pietra (**FIGS. 3A & B**), and I arrived more-or-less on time for lunch, but with mud up to my thighs. I rang the doorbell.

A beautifully attired footman answered, looked at me, and said, “Who are you?” I said, “I'm coming to have lunch.” He said, “You're coming to have lunch looking like this?” They



FIGURES 3A and B. Sir Harold Acton and the Villa La Pietra, just outside Florence.



FIGURE 4. Man viewing the Cimabue *Crucifix* damaged in the flood of 1966. Photo: Ivo Bazzechi.

had no idea. He did not know what had happened in Florence. I explained very briefly, and he let me in, of course, and called Sir Harold, who came down to see me and said, “The hell with lunch.” He

called for his car, and we drove about two kilometers towards Florence where by then, of course, the barricades were set up – the police, the army, and so forth. We walked the rest of the way, and I took Harold Acton to the Piazza del Duomo, where we saw the Ghiberti doors. I will never forget; Harold Acton just stood there and wept. So that was my one, and only, introduction to Harold Acton, and certainly a vivid memory of the flood.

I should point out that there have been many photographs of the flood, but for me one of the canonical images that goes to the very heart and soul of the disaster is the image of a man looking at the badly damaged Cimabue *Crucifix* in utter desolation (**FIG. 4 and Journal cover**). I’m sure I don’t need to tell you that the image evokes the Lamentation over the Dead Christ in an astonishing parallelism over time and space and spirit.

In 1982 when I was the director of The Met and organized an exhibition with the sponsor Olivetti,² the Cimabue *Crucifix* came to The Metropolitan Museum of Art. For me it yielded another one of these extraordinary images (**FIG. 5**) where, of course, the echoes of Christ carrying the cross up

to Golgotha was mirrored by the *Crucifix*, far too big (14.5 x 13.5 feet) for our loading dock, being carried up the steps of The Metropolitan to be hung within.

The Cimabue *Crucifix* was about the only work of art that was deliberately left with a great deal of *tretegio*, the hatching, more-or-less, in the tone of the picture. This was done deliberately, as was told to me by Cristina Acidini Luchinat, the long-time head – the *sovrintendente* – of the *Opificio delle Pietre Dure*, the main restoration center in Florence. She explained to me that it could have been restored a little more based on the many photographs that existed, but that it was left like this because it was chosen as the work that would become, in a sense, the memorial to the Florence Flood, something like the image that many of us know from Berlin of the church of Kaiser Wilhelm that remains a memorial to the Second World War.

I want to leave you with the image of the scale, the grandeur, and the emotive power of the extraordinary Cimabue cross as seen during the day of the 1982 exhibition in the Medieval Hall at The Met, and with a beautiful photograph of it at night (**FIG. 6**). Those are my memories of the Florence Flood.



FIGURE 5. The Cimabue *Crucifix* being carried up the Fifth Avenue staircase into The Metropolitan Museum of Art in 1982.

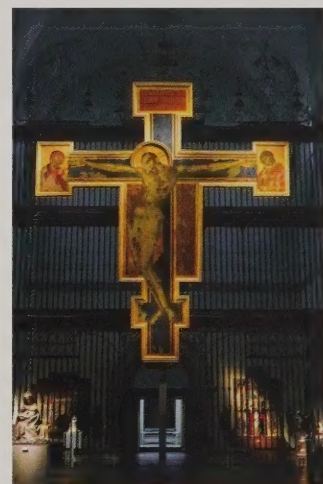


FIGURE 6. The Cimabue *Crucifix*, restored and on view (daytime and evening) in the Medieval Hall of The Metropolitan Museum of Art in 1982.

² “The Cimabue *Crucifix* from Florence,” The Metropolitan Museum of Art, September 6 – November 11, 1982. Part of a world tour sponsored by Olivetti that visited New York, Paris, London, Madrid, and Munich.

IFAR EVENING — REMEMBERING THE FLORENCE FLOOD

MARCO GRASSI*

“The day of the flood I was at the Villa Favorita ...
I arrived in Florence close to midnight on November 4 ...
By the next morning, the water had mostly receded ...”

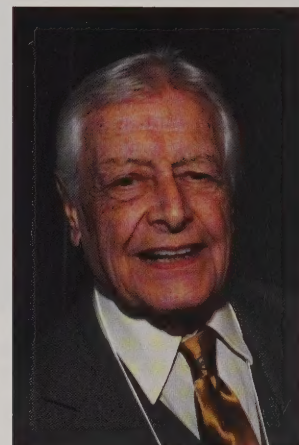


FIGURE 1. Painting of the November 1844 flood in Florence. Coll. Marco and Cristina Grassi.

Floods have afflicted the city of Florence over many centuries – I believe twenty-three have been counted, some more serious than others. A small painting showing the flood of 1844 (**FIG. 1**) hangs in our bedroom in New York. It is a souvenir of my own experiences in the days following the worst of all those floods, the one that occurred on November 4, 1966. That story begins some seven years earlier when I began my career as a paintings conservator at the restoration studio, or

Gabinetto del Restauro, of the Uffizi Gallery. It was soon after I had returned to Italy after completing university studies and military service in the U.S. The *Gabinetto* was really a small series of rooms behind the Loggia dei Lanzi at the Uffizi. That is

* Marco Grassi is a private paintings conservator and a member of IFAR's Art Advisory Council. Descended from a Florentine family prominent in the art world since the 1860s, Mr. Grassi was trained as a fine art restorer initially at the Uffizi in Florence, but later in Rome and Switzerland. He went into private practice in Florence in the 1960s, but has worked primarily in New York since 1974. Mr. Grassi wishes to thank Dott.ssa Annalisa Innocenti, the Director of the Historical Archive, and Dott.ssa Anna Mieli, Director of the Photographic Archive of Restoration, at the Opificio delle Pietre Dure in Florence for their help in providing some of the images in this article.

also where my grandfather got his start at the turn of the last century, before becoming a successful art dealer. Other studios in different locations were also connected to the *Gabinetto*. I would spend my mornings at the main studio at the Uffizi and afternoons at the Accademia.

FIGURE 2 shows me in my “Fauve period” at the Accademia with Tommaso Schneider, who became a colleague of mine when I went into private practice several years later. The older gentleman, Augusto Vermehren, was a sort of scientific guru



FIGURE 2. Marco Grassi and conservation colleagues in 1959. Left to right: Tommaso Schneider, Marco Grassi, Anna Brigida, and Augusto Vermehren.

at the Uffizi but, being considered somewhat too eccentric, he had been relegated to the Accademia. The *Gabinetto* at the Uffizi was what could be described as a real “shop.” In other words, the artisans who were the restorers there were practicing a craft that had developed over many years, maybe centuries. Carpentry, painting and creating surfaces was all done in a very old-fashioned way.

Being an apprentice meant starting in the traditional way: you first swept the floor, and then you prepared the colors; you did things that the master restorer didn’t want to do, and you had to do them in a certain way, otherwise, you were of no use and would be soon dismissed. If you survived, it meant that you had something to contribute, and I somehow made it through. By 1964 I had my own small restoration studio in Florence on the Via Santo Spirito. Tommaso later joined me. He had returned to Germany to work at the Stuttgart museum, but he wrote to me saying, “I’ll do anything; I miss Italy too much.” At that time, my studio was beginning to pick up, so I said, “Come back, we’ll work together.” In fact, we collaborated in Florence for almost another ten years.

But in 1964 something remarkable happened. The greatest collector in the world at the time walked into my studio. His name was (Baron) Hans Heinrich Thyssen-Bornemisza. Not long thereafter, he asked me to become visiting conservator at the

Villa Favorita in Lugano, Switzerland (**FIG. 3**).

That was where the Baron lived and kept the great private collection of extraordinary paintings and works of art that his father had begun and which he continued in a remarkable way. In the 1960s when we met, Baron Thyssen was probably the most active and aggressive collector in the world. First, Old Master paintings, and then he shifted his interests. He was one of the pioneer collectors of German Expressionism and was the first important European collector of American paintings. I stayed as visiting conservator to the collection until it moved to Spain in 1990.

On November 4th, the day of the flood, I was at the Villa Favorita. At around 8:00 a.m., the custodian came in – we were the only people there. He said, “Mr. Grassi, you’re from Florence, aren’t you? I just heard on the radio that there’s a terrible flood there, and the water has reached the first floor of Palazzo Pitti.” I said, “Well, if that’s the case, then half of Europe is under water. It can’t be Palazzo Pitti, but it’s got to be something serious.” I turned on the radio and realized that, in fact, something terrible *had* happened, and immediately got in my car. A trip that would normally take about four and a half hours took me twelve.

I arrived in Florence close to midnight on November 4. Our home – my parents were still living there – was slightly above the Ponte Vecchio, and my studio was on the second floor of a large *palazzo*, so neither was affected. By the next morning, the water had mostly receded and so, of course, I went to the Uffizi *Gabinetto*. There, I found some of the people I had studied with, who were, in a way, very pleased to see me because I was an extra pair of hands. So right then and there, emergency measures were being initiated and, later that day, there was a general meeting of the staff. There was total panic. In other words, these experienced craftsmen, these restorers, these people who had spent their entire lives working on paintings, were now faced with something that was unthinkable; unconscionable; unimaginable. Stories were coming in from different churches. It was a feverish meeting. Everyone



FIGURE 3. The Villa Favorita in Lugano, Switzerland, home of the collector Baron Hans Heinrich Thyssen-Bornemisza. The horizontal roofline between the tower on the right and the building on the far left was the art gallery. Marco Grassi’s studio was also on the far left.

knew something had to be done, but nobody knew what, because nobody could actually stand up and say, "Look, I've dealt with a fourteenth-century triptych under water for five hours." That was, thankfully, not an experience any of us had had previously. But, as a result, a number of decisions were made, certainly with the best intentions, but that proved in the end to have been very negative and unfortunate.



FIGURE 4. The Chiostro Grande in the Santa Croce Basilica complex around 10:00 a.m. on the morning of November 4, 1966, showing flood water completely covering the columns below the arches.



FIGURE 5. Refectory of Santa Croce around 10:00 a.m. on November 5, 1966, the morning after the flood – after the waters began to recede.

Some of these images from the flood are frightening: the Chiostro Grande at Santa Croce filled with water on the morning of November 4th (**FIG. 4**), and the Refectory of Santa Croce the next day (**FIG. 5**). It was there, on the right wall of the Refectory, where Cimabue's *Crucifix* was hanging. We knew that everything that had been affected by water needed to be taken down immediately and put horizontally so that the color would not fall

off. It was the first essential emergency measure. But therein was one of the tragedies. The Cimabue *Crucifix* was bolted to the wall by sturdy iron supports, so it took the better part of a day to remove

it from the wall. It was a terrible experience to see the cross and wait hours before it could be lowered.

**"There was total panic. ...
Everyone knew something had to be done,
but nobody knew what. ...
As a result, a number of decisions were made,
certainly with the best intentions,
but that proved in the end to have been very
negative and unfortunate."**

In a small chamber adjoining the Chiostro Grande where the water had reached to the ceiling, there was a gigantic painting of the *Last Supper* by Giorgio Vasari. Made up of five separate panels (totaling approximately 8 x 21 feet) and, unlike the Cimabue, no attempt was made to detach it from the wall. In a kind of cruel destiny, this work, as well as the *Crucifix*, had been moved to Santa Croce only a few years before with the idea of creating in the cloisters of the basilica a small version of the Museo dell'Opera del Duomo, the Florence Cathedral museum. This new museum would assemble and display works of art that had at one time or another been part of the Santa Croce complex. In fact, until 1958, the Cimabue *Crucifix* was conserved at the Uffizi. If it had remained there, of course, we would still have it in its original, and remarkably pristine, state.

I had been put in charge of a small party of volunteers: two young women whose names I do not remember, another conservator, Tommaso, and Myron ('Ronnie') Laskin, a student at I Tatti, who later became the chief curator at the Getty Museum. We were charged with performing emergency procedures on the Vasari (**FIG. 6**). We were one of the various small teams created by the Uffizi and dispatched wherever necessary. Each of these groups was headed by at least one "sort of" practiced professional. I'm not so sure I qualified, but at least Tommaso and I did have some measure of experience. In 1966 Vasari was not considered a terribly important artist. He was, of course, recognized as one of the great historiographers, and a great architect, but not a particularly great painter. So that is why they gave the Vasari to us junior people.



FIGURE 6. Giorgio Vasari's *Last Supper* (1546), painted on 5 panels, as shown in Santa Croce on November 5, 1966 with a team of conservation volunteers, led by Marco Grassi on the far left.

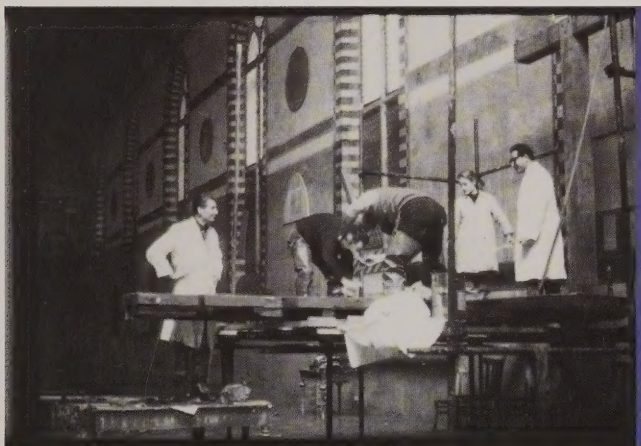


FIGURE 7. *Crucifix* by Cimabue shown off the wall, in the Refectory of Santa Croce on or about November 6, 1966, with Uffizi restorers Taiuti and Masini. Paper is being applied to the surface.

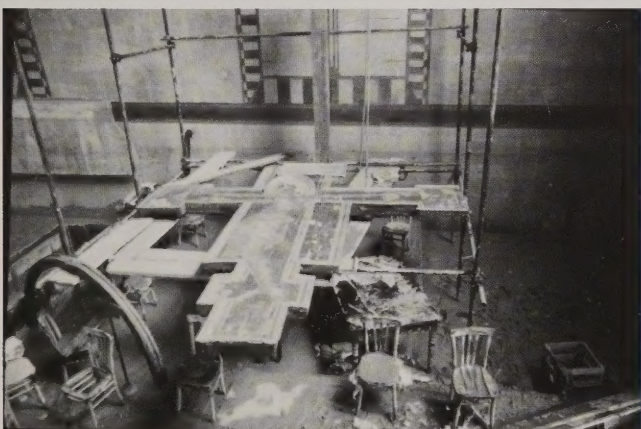


FIGURE 8. Cimabue *Crucifix* after application of protective papers.

Cimabue's *Crucifix* finally came down (**FIG. 7**) with the help of my colleagues from my Uffizi days. They were the "A" team, doing what we were doing next door. They – and we – were putting rice paper, mulberry papers, over the surface with an adhesive in order that the color would not simply crumble and fall away (**FIG. 8**). So all of these panel paintings, especially the panel paintings, were all faced with very fine paper with an adhesive, which subsequently turned out to be a great problem. We chose an adhesive that proved unfortunate in the long run.

"Everyone realized that were these panels allowed to dry normally, the resulting contraction – as with a sponge – would dramatically reduce and disrupt their surfaces."

From there the *Crucifix* and hundreds of other works were taken to the greenhouses of the Boboli Gardens behind the Pitti Palace (**FIG. 9**). There they were placed in a horizontal position and covered with plastic in an environment of artificially created very high relative humidity to prevent the panels from traumatic shrinkage. Everyone realized that were these panels allowed to dry normally, the resulting contraction – as with a sponge – would dramatically reduce and disrupt their surfaces. The pictorial layers would simply disintegrate or become detached in large blisters. The humidification allowed the subsequent consolidation of the surfaces to proceed without excessive danger or difficulty.

Not surprisingly, there was a sort of triage, and the Cimabue,



FIGURE 9. The paintings placed horizontally in the greenhouse of the Boboli Gardens, covered with plastic and water; photo taken approximately one month after the flood.

despite the terrible losses it suffered while still hanging in place, received the first and most urgent ministrations. The paintings were treated in accordance to how they were assessed for importance, size, and so forth. As a result, many were saved quite effectively. The Vasari, on the other hand, considered ‘second or third tier’, and measuring more than 18 feet, was shunted to the end of the line; nobody really wanted, or even could, deal with it. And so it, and other pictures as well, were left in high humidity until it became evident that something had to be done because mold was growing all under and over them. Moreover, the gesso ground – the binder of gesso is an animal glue – was also rotting. So the paintings were literally rotting. At a certain point, about six months after the flood, when this new complication arose, it was decided to simply let the works dry naturally, causing in due course further problems.

“Until 1958, the Cimabue *Crucifix* was conserved at the Uffizi.
If it had remained there, of course,
we would still have it in its
original, and remarkably pristine, state.”

At a later stage, restorers from the *Gabinetto* began working on the surfaces, trying to remove the papers and consolidate the colors (FIG. 10). The Cimabue, being the most important and the most tragic casualty, received the most attention. It soon became clear that its painted surface could not simply be put back on the support; it had to be removed entirely (FIG. 11) and then replaced on the support: both support and painted surface had taken on different shapes. Moreover, the original gesso ground layer had been degraded to such an extent that an entirely new gesso ground had to be made. As shown in the photograph, the support was in one place, and the painting, which is on a very thin membrane, in another. The restorer on the left, Vittorio Granchi, was my master when I first stepped into the Uffizi in 1959, and I have very fond memories of him. He was a superb craftsman, and he was the head of the team that actually replaced the painting on the support of the Cimabue.



FIGURE 10. Several months after the flood restorers from the Uffizi *Gabinetto* shown working on the surfaces, trying to remove the papers and consolidate the colors. Cimabue's *Crucifix* can be seen lower right.



FIGURE 11. Uffizi conservation team in the Fortezza Studio c. 1971 replacing the Cimabue painting on its support. Conservator Vittorio Granchi, head of the team, at the near left.

The *Last Supper* was simply forgotten, basically. It languished in a warehouse for close to forty years. It was the last work affected by the flood to be dealt with. The work was completed by what is now called the *Opificio delle Pietre Dure*. It replaced the former *Gabinetto del Restauro* within two years of

“It soon became clear that the painted surface [of the Cimabue] could not simply be put back on the support; it had to be removed entirely and then replaced on the support: both support and painted surface had taken on different shapes.”

the flood, the old studios simply too cramped and dispersed to deal with the immense new challenges that the 1966 disaster posed. The new *Opificio* (taking its name from the ancient Medici precious stone workshops) is now located in a very spacious series of laboratories in the Fortezza da Basso, the Michelangelo-designed fortress near the Florence train station. It is a wonderful facility with every imaginable modern technical resource. By the time the *Last Supper* got there (FIG. 12), most of the paint layer was firmly adhering to the protective facing, the paper that we had applied in 1966. That dreadful adhesive that had been chosen in 1966 was the only thing holding the color together. The panel was mostly separated from the paint and the paper and both were now bound together by virtually insoluble resin. An unimaginable problem that has taken more than ten years for the *Opificio* to resolve.



FIGURE 12. Vasari's *Last Supper* shown during reconstruction at the *Opificio delle Pietre Dure* in Florence c. 2006.

On November 4, 2016, my wife Cristina and I were fortunate enough to be in Florence for the dedication of the *Last Supper* by Vasari. In a sort of cruel irony, the huge panel now hangs in the Refectory exactly in the same spot where the *Crucifix* met its end (the Cimabue has long since been ‘promoted’ to the Sacristy of the basilica). I went to pay my respects but, alas, it was a sad encounter after all these years. I remember that the painting, despite having been flooded, was actually still in rather good condition when we got to it in 1966. Now it is simply a shadow of itself. A very melancholy end.



FIGURE 13. *La Nazione* in Florence on November 4, 2016 announcing the completion of the restoration of Vasari's *Last Supper*, but illustrating the story with the *wrong* painting.

The rededication of the Vasari gave rise to all kinds of public displays of joy. Even the local paper made a big fuss (FIG. 13). Unfortunately, they illustrated the wrong picture. Some idiotic journalist found *another Last Supper* that was *not* the one in Santa Croce! As a result, the story has a somewhat bitter-sweet, but also rather humorous, ending.

Q & A

Q Sharon Flescher (SF): Marco, when you say the Vasari *Last Supper* is in poor condition, is that because nothing more could be done?

A Marco Grassi (MG): The picture is essentially a pious reconstruction. It was in a million pieces when it came off the paper; they had to sort of piece it back together. The panel itself was in pieces and had to be brought back, very skillfully, to its original size because it had shrunk terribly and was warped. The carpentry actually was the best part of the job, unfortunately, but you don't see that. Thank goodness the painting is hanging very high; you have the image, but you no longer have the surface.

Q What was the adhesive?

A MG: In the 1950s, Italy was in many ways an old-fashioned place in terms of conservation. Things were being done in the way that they had been done since the nineteenth century. But by the end of World War II, it was clear that the younger generation of conservators were beginning to realize that changes had to be introduced. New materials had to be tested. For that, the Central Institute in Rome where I studied after the Uffizi was the sort of place where this research was being done.

The intent was to identify a synthetic resin that had properties that natural resins didn't have, and the choice fell on a resin produced by an American company called Rohm and Haas. It has several trade names, but it is a methacrylate resin, which has quite a heavy molecule. It is a very stable plastic, essentially, and was attractive to conservators because of its stability. So when the feverish, panic-stricken choice was made as to what adhesive to use to bind the papers and consolidate the color that was about to fall off, the traditional adhesive could not be used. For several centuries, the traditional adhesive, used to do exactly that, was water-soluble fish glue. Clearly, on a wet surface,

that would not do. So the choice fell on this new product, which was kind of fashionable then in other ways. It was already being used as a varnish and as a consolidant. So, all of a sudden, gallons of this Rohm and Haas product arrived in Florence overnight, and we began putting it on every single panel painting that had been affected by the flood, for better or for worse.

Q Have measures been taken to prevent such a rush of water from entering the city of Florence again? I heard that some very, ignorant guard at the dam opened it up, and that led to that terrible flood.

A MG: What you're saying is quite correct. There was one episode where the retaining barriers upstream had been opened, and that certainly contributed to the flood. But you know, the flood of 1966 was sort of the perfect storm because the amount of water that had fallen in the Arno river basin was epochal, and there was a contrary wind at Pisa, where the Arno spills into the sea, so the Arno couldn't easily flow out.

Another major contributing factor apparently was that, in the prior fifty to sixty years, tenant farming in Tuscany had little-by-little been phased out. Tenant farming being families that lived on a small plot of land and derived their living from that land and then divided the product of that land with the land owner. They were basically contractual families working on the land. The landscape of Tuscany was made by that kind of farming, which works well in areas that are very hilly and uneven, because then the whole family works. It made Tuscany a garden. That began to be phased out for social and political reasons after the Second World War. So what happened was that all the land that could be profitably farmed with tenant farming was simply abandoned, and the earth hardened and therefore did not absorb the enormous quantities of water that fell.

Q Have any measures been taken to prevent further floods?

A MG: I can't answer that. All I can say is that I hope that is true, and we have been told that, yes, they have taken measures to avoid this kind of problem, but I believe that there have been more than twenty floods in Florence since the fifteenth century.

Q With the advances in technology in the past fifty years, have they revisited some of the restoration decisions, thinking, "Now can we do this a little better"?

A Sue Sack (SS): Once you have a painting consolidated and not in need of further treatment, you would not undo it and redo it again, because, as skillful as we all are, and I must say that the Italian conservators have a great reputation for their hand skills, anything can happen, and you just don't do that. If a work should need a treatment for some reason, then you might do it differently, but otherwise I would certainly leave it alone, and I think everybody would.

Q On the other hand, if such a terrible flood happened again, what techniques would be different today? I'm talking about the paintings, of course.

A SS: One of the most serious problems in 1966 was that there was no warning. It had rained heavily. The dam was opened. Nobody in Florence was told that it would be opened, not the police, not the fire brigade. Nobody was told. They could have, perhaps, opened the dam slowly to let the waters out little by little. So there was no warning. The Florentines went to bed at night – it was a holiday weekend, in fact – and it was a nightmare to wake up and find the water all around your ankles and climbing up your legs and you had to go upstairs, and upstairs again. That would never happen again. I, too, have heard, and I don't know whether it's true, that the Arno has been dredged

and that new procedures with embankments have been put in. I hope that is so.

Q But, let's say that paintings of the same era happen in some way to get wet. How has the theory of preserving them or trying to save the color from the background changed?

A MG: The question is certainly legitimate, but usually we are faced with single issues. We have one painting that has a problem, and then we move from that to another painting that has a problem at a different time. The flood was a unique event because there were hundreds of paintings with the same problem at the exact same time. That created an absolute panic, and some of the decisions made were maybe hasty. I'm sure that in the case of the Vasari, it would have been better not to have faced it, but, at that moment, facing was the obvious, rational and prudent thing to do. So, in a way I contributed to that problem.

Q Which building or church or baptistery in Florence was the most severely affected and had the most paintings or sculptures removed for conservation?

A MG: Without question, Santa Croce, because it was not only a basilica, it was a kind of nascent museum. It hadn't yet taken shape, but the idea was to create a kind of museum at the two great cloisters next to Santa Croce and of course the Pazzi Chapel. In other words, there were many works of art there, including the Cimabue and the Vasari, but also so many others, and they were caught in the worst possible place in Florence because Santa Croce is at least seven meters below high water level. So you couldn't have chosen a worse place. I can assure you that now all the paintings are on pulleys. They can get them out of there quickly.

SF: This is the time to thank our wonderful speakers for sharing their knowledge and memories of this seminal event.

• • •

SCENES FROM AN IFAR EVENING



Bonnie Burnham (left) and Sharon Flescher, IFAR's former and current executive directors.



Cristina Pucci (left) and Cristina Grassi.



Stewart C. Myers and Arete Warren.



Left to right: Burton Fendelman, Suzanne Lemakis, Joan Fioravanti, Emmanuel Lemakis, and Lucille Roussin.



Left to right: Joseph Pirapato, Marco Grassi and Brandon Fradd.



Elizabeth Oustinoff (left) and Vivian Ebersman.



Edith de Montebello (left) and Cristina Grassi.



Ada Samuelson and Jim Peck.



David and Janice Barnard.



Elizabeth and Edgar Howard.

REMEMBERING THE FLORENCE FLOOD



Left to right: Aleya Lehmann Bench, Ellen Bruck, Hal Bruck, and Mark Bench.



Tanya Wells (left) and Nancy Schwartz.



Left to right: Wendy Ormond, Theodore Feder and Carole Newhouse.



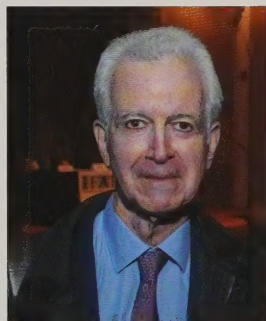
Carole Pesner (left) and Patricia Kaplan.



H. Christopher Luce.



Left to right: Jack and Bobbi Hartog with Laura and Lewis Kruger.



Michael de Havenon, IFAR Board Member.



Marco and Cristina Grassi.



Judy and Randy Taylor.

Credit for these photos and all other images of speakers and guests at this program: Steven Tucker.

THANK YOU

IFAR gratefully acknowledges the following contributors of \$250 or above who helped support its activities in 2016.

\$50,000 & ABOVE

The Mr. and Mrs. Raymond J. Horowitz
Foundation for the Arts, Inc.

\$25,000 & ABOVE

Anonymous Donor
The David Berg Foundation, Inc.
Charina Endowment Fund
The Florence Gould Foundation
International Music & Art Foundation
Anna-Maria and Stephen
Kellen Foundation
Boris Lurie Art Foundation

\$20,000 & ABOVE

Mrs. Walter C. Klein

\$15,000 & ABOVE

Helen Frankenthaler Foundation

\$10,000 & ABOVE

The Chubb Corporation
The Willem de Kooning Foundation
Gladys Krieble Delmas Foundation
The Jacques and Natasha
Gelman Foundation
The Marc Haas Foundation
Hazen Polsky Foundation
The Liman Foundation
Scott Lynn
The Pollock-Krasner Foundation, Inc.
Jeannette and Jonathan Rosen
Anthony Williams

\$7,500 AND ABOVE

Gertrude Wilmers

\$5,000 & ABOVE

AXA Art Americas Corporation
Georgia & Michael de Havenon
Dr. Lee MacCormick Edwards
Charitable Foundation
Dana Garvey
Leon Levy Foundation
Dorothy Lichtenstein
Sotheby's
Dorit Straus

\$2,500 & ABOVE

Anonymous Donors
John R. Cahill
Christie's
Frederick & Diana Elghanayan
Family Foundation
The Gramercy Park Foundation, Inc.
David L. Klein, Jr. Foundation
Roy Lichtenstein Foundation
Jacques & Yulla Lipchitz Foundation, Inc.
Richard & Ronay Menschel
Aaron M. Milrad
David Nash
The Stebbins Fund
Gallery Vallois America, LLC
The Malcolm Hewitt Wiener Foundation
Wildenstein & Co., Inc.

\$1,000 & ABOVE

Anonymous Donors
Josef and Anni Albers Foundation
Alsdorf Foundation
American Chai Trust
Milton and Sally Avery Arts
Foundation, Inc.
Michael Bakwin
J. N. Bartfield Art Galleries, Inc.
Judith Bresler & Ralph E. Lerner
Hester Diamond
Ellen Epstein

Theodore Feder
Richard L. Feigen & Co.
Linda S. Ferber
Richard M. Grant, The Richard
Diebenkorn Foundation
Richard Gray Gallery
Barbara Guggenheim
Jeffrey Haber, Michael E. Fischman,
& Ellen Hoener Ross
Keith Haring Foundation
Heritage Auction Galleries
The Heritage Policy and Research
Directorate, Department of
Canadian Heritage
Herrick, Feinstein LLP
Hobby Lobby
JS Charitable Trust
Paul Kan
Nancy Karrels
The Walter C. Klein Foundation
James J. Lally
Frank & Sharon Lorenzo
H. Christopher Luce
Galerie Daniel Malingue
Bella Meyer
Hanno D. Mott
Jean O'Brien
Robert Rich
Robert Rogal / RoGallery.com
Elaine Rosenberg
Mary Rosewater
Errol Rudman
St. Louis Art Museum
Steven R. Schindler
Gregg Seibert
Kurt Siehr
Robert B. Simon
Peter R. Stern
Strong Foundation of New York
Kevin Sullivan
Eugene V. Thaw
Frances Zeman

THANK YOU

IFAR gratefully acknowledges the following contributors of \$250 or above who helped support its activities in 2016.

\$500 & ABOVE

American Society of Appraisers—
Personal Property Committee
Alfred Bader
William L. Bernhard
Michelle DuBois
Flather & Perkins, Inc.
Brandon Fradd
Sam Francis Foundation
Galerie St. Etienne
William A. Glaser & Gilberte
Vasintejan Glaser
Shamuel Khaziev
Betty Krulik
The Honorable J. William Middendorf II
Achim Moeller, Moeller Fine Art Advisory
Barnett Newman Foundation
Jonathan Novak
James Ottaway, Jr.
John Whitney Payson
Rehs Galleries
David Rowland
Michael Rubenstein
Samuel Sachs II
Susanne P. Sack
E. Randol Schoenberg
Nancy Schwartz
Laurence Shopmaker
Carl & Marilyn J. Thoma
Frederic J. Truslow

\$250 & ABOVE

Rachel Adler
Courtney Ahlstrom
Alfonso Barros
Catherine & Robert Brawer
David S. Brown
Diana Browne
Deborah L. Browning

Ellen & Harold Bruck
Bryson Estates
Rupert Burgess
Bonnie Burnham
Sharon Campbell
Dean Chapman
Stephen W. Clayton
Julia Courtney
Virginia Curry
Day & Meyer, Murray & Young
Doyle New York
J. Lee Drexler
Jerome Eisenberg
David Eldridge
Nancy Escher
Helaine Fendelman
Robert & Joyce Flescher & Family
Debra Force Fine Art, Inc.
Fodera Fine Art Conservation, Ltd.
Christopher Forbes
Andrea Forrest
Kelly Mohs Gage
Joy L. Glass
Dealla Goodings
James Goodman Gallery
Susan Halper
Lon Hamaekers
Hammer Galleries
Erica Hartman
Mr. & Mrs. Jack Hartog
Jeffrey Hoffeld
Richard M. Horwood
Sharon Hurowitz
Donald Kaul
Bonnie Kelm
The Kislak Family Foundation, Inc.
John Koegel
Kraushaar Galleries
Wendy Lindstrom

Joel Mallin
Mansour Gallery
Harry S. Martin
Michael McCullough
Pauline C. Metcalf
Melanie Modica
Donald Morris Gallery
James A. R. Nafziger
A. Ralph Navaro, Jr.
Brian & Kimberly Orcutt
Wendy Ormond
O'Toole-Ewald Art Associates, Inc.
Lynn Stowell Pearson
Paul Pincus
Rega of Paris
Linda Safran
Joan Schiele
Jacqueline Silverman
Robert Steiner
Charles F. Stuckey
Carol Forman Tabler
Adele & Ronald Tauber
Alexandra Truitt
Stephen K. Urice
Judith Vance
Adele R. Ward
The Westervelt Company
Michele Wijegoonaratna
Anne B. Zill
Ariel Zuñiga

IN-KIND & OTHER

Thomas Brown
Dentons US LLP
Shantala DuGay
Marco Grassi
Thomas R. Kline
Gonzalo S. Zeballos

ADVERTISEMENT



KRIGEL & KRIGEL, P.C.

LAW OFFICES

4520 MAIN STREET • SUITE 700 • KANSAS CITY, MO 64111

P / 816.756.5800 ■ F / 816.756.1999

Representing and Advising Collectors, Dealers and Artists.

Contact: Steven J. Braun, Esq. ■ sbraun@krigelandkrigel.com

Krigel & Krigel congratulates *The Riverbank Foundation* on being granted tax-exempt status and continuing work on a long anticipated update to the George Caleb Bingham Catalogue Raisonné.

Contact Rachael Cozad, President – director@riverbankfoundation.org

**IFAR JOURNAL
ADVERTISING RATES**

A quarterly publication, *IFAR Journal* offers advertisers an ideal opportunity to reach art collectors, academics, museum and gallery professionals, auction houses, insurance companies, and attorneys.

DISPLAY RATES

Black and White

Full Page \$1,000 1/2 Page \$550 1/4 Page \$300

Color

Full Page \$2,500

Income from advertising helps support the *IFAR Journal*
and IFAR's educational activities.

The Stolen Art Alert®, published by IFAR since 1977, is now produced in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol. The information in each entry is supplied by the owner and/or insurance companies to the ALR, police, the FBI, Interpol, and others, and IFAR does not accept responsibility for, nor make any representations with respect to, accuracy or authenticity.

Most items in this publication are registered in the database of the Art Loss Register, which has an office in London, England at First Floor, 63-66 Hatton Garden, London EC1N 8LE.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 44.207.841.5780. From the U.S., add the prefix 011.

Stolen Art Alert® is the registered trademark of the International Foundation for Art Research, Inc.

STOLEN ART*

PAINTINGS

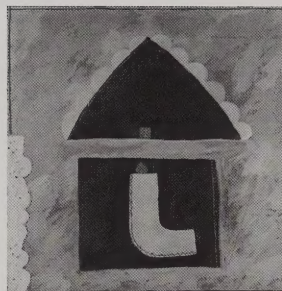
95. MARTIN BRADLEY (English, born 1931).

A Vision of the Void for Mr. Puri, 1975. Oil on canvas.

144.5 x 144.5 cm (approx. 57" x 57"). *L16.817.

Lost in transit between Italy and Belgium on

November 15, 2014.



95

96. JAN BRUEGHEL (THE YOUNGER) (Flemish, 1601-

1678). *Riverbank Scene*. See color photo on inside

back cover.

97. LEONORA CARRINGTON (English, 1917-2011).

The Wishing Well, 1962. See color photo on inside

back cover.

98. SALVADOR DALÍ (Spanish, 1904-1989). *The Ship*,

ca. 1934-35. See color photo on inside back cover.

99. JEAN-ANTOINE DUCLAUX (French, 1783-1868).

Landscape. Oil painting. 60 x 80 cm (approx.

23 5/8" x 31 1/2"). *L16.1404. Stolen from a private

residence in Montreal, QUE, Canada.



99

100. EVELYN DUNBAR (English, 1906-1960).

Summer Eights, 1948. Oil on canvas. *L16.1347.

Stolen from Worcester College, Oxford, England

on January 1, 1994.



100

101. MINERVA DURHAM (American, born 1938).

Bowery Truck, 1986. Oil on canvas. 5.8 x 76.2 cm

(20" x 30"). *L16.812. Stolen from a private residence

in New York, NY on January 1, 2006.



101

102. OTHON FRIESZ (French, 1879-1949). *Paysage*,

1937. Oil on canvas. 26.59 x 43.51 cm (approx.

10 1/2" x 17 1/4"). Signed I/I. *L16.1423. Stolen from

a storage facility in Geneva, Switzerland on

September 26, 2016.



102

*Numbering for the Volume 17 Cumulative Index of Stolen Art began with Vol. 17, no. 1.

104



103



103. ALDRO THOMPSON HIBBARD (American, 1886-1972). *Winter Brook*, ca. 1930. Oil painting. 40.64 x 50.8 cm (16" x 20"). *L16.1341. Stolen from a private residence in Weehawken, NJ on August 2, 2013.

104. FRANZ KLINE (American, 1910-1962). *Untitled / AKA-Eagle*. Oil on canvas. 8.51 x 13.74 cm (approx. 3 3/8" x 5 3/8"). *L16.1349. Stolen from a gallery in Montreal, QUE, Canada on August 22, 2016. See also nos. 134-141 below.



105. SUZANNE M. LACHMAN (American, contemporary). *Wolf Song*. Oil painting. 35.56 x 27.94 cm (14" x 11"). *L17.11. Stolen from the Broome County Public Library, Binghamton, NY on December 29, 2016.

105

106. THORALD LÆSSØE (Danish, 1816-1878). *The Bay of Naples*. Oil on board. 27 x 24 cm (10 3/4" x 9 1/4"). Initialed on the front; on the verso is a descriptive label. *L16.685. Stolen from a gallery in London on June 5, 2016.

106



107. TAMARA DE LEMPICKA (Polish, 1898-1980). *Card Players*, 1926. See color photo on inside back cover.

108. MARCO MARCOLA (Italian, 1740-1793). *Carnival Scene with Commedia dell'Arte Figures Performing and Making Music in a Street*. Oil on canvas. 73.51 x 98.4 cm (approx. 29" x 38 3/4"). *L16.1370. Stolen from a private residence in Montreal, QUE, Canada on June 16, 2016.

108



109. ROBERTO MATTA (Chilean, 1911-2002). *Untitled*, 2013. See color photo on inside back cover.

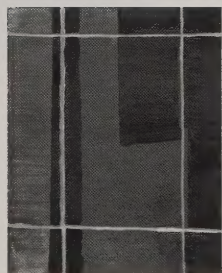
110. TOM MCKINLEY (American, contemporary). *A Very Small Penthouse*, 2006. Oil on board. 60.96 x 93.98 cm (24" x 37"). *L16.1032. Stolen from a private residence in Los Angeles, CA on September 6, 2016.

110



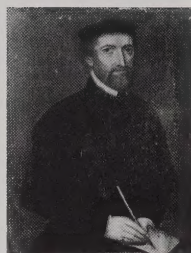
111. LUC TUYMANS (Belgian, born 1958). *Bathroom Tiles*, 1992. Oil on canvas. 50 x 40 cm (approx. 19 3/8" x 15 3/4"). Signed and dated on the verso. *L16.958. Stolen from a gallery in Brussels, Belgium on June 18, 2016.

111



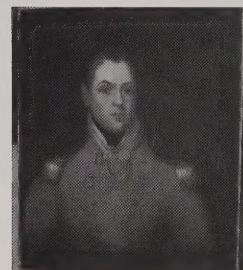
STOLEN ART (cont.)

112. **Unknown Artist** (German, 16th century). *Bearded Man*, 1517. Oil on panel. 36 x 22 cm (approx. 14 1/4" x 11"). *L16.1008. Stolen from a private residence in Düsseldorf, Germany on September 11, 2016.



112

113. **Unknown Artist**. *Portrait of Captain William Somerset Dolban*. Oil on canvas. 64.21 x 54.1 cm (approx. 25 3/4" x 21 1/4"). *L16.1192. Stolen from a private residence in Halifax, West Yorkshire, England on October 14, 2016.



113

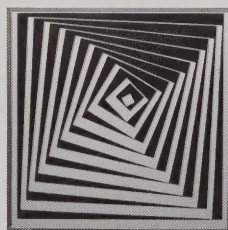
114. **Unknown Artist**. *Portrait of Rev. Oronzio Albanese*, 1750. Oil on canvas. 150 x 100 cm (approx. 59" x 39 1/4"). Inscribed at bottom with the date and the name of the subject. *L17.1. Stolen from a private residence in Tove, Italy on October 7, 2013.



114

The following two paintings were stolen in Paris, France on August 18, 2014. *L16.1257:

115. **VICTOR DE VASARELY** (Hungarian/French, 1906-1997). *Pavo*, 1978. Acrylic on canvas. Signed. 119.99 x 119.99 cm (approx. 47 1/4" x 47 1/4").



115

116. **BEZDIKIAN ASSADOUR** (Lebanese/French, born 1943). *Paysage Urbain*, c. 1995-97. Oil on canvas. 120 x 120 cm (47 1/4" x 47 1/4"). Signed and dated l/r.



116

The following four paintings were stolen from a gallery in Vancouver, B.C., Canada on November 13, 2016. *L16.1257:

117. **BRENT ANDREW CLOWATER** (Canadian, born 1982). *Smile*, 2016. Oil on panel. 50.8 x 50.8 cm (20" x 20").



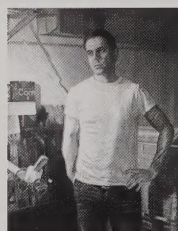
117

118. **THALIA LEMON** (Canadian, contemporary). *Let Me Take a Moment*, 2015. Installation of three paintings on canvas, each measuring 30.48 x 30.48 cm (12" x 12").



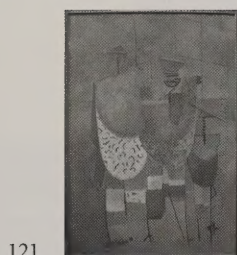
118

119. **FRANCIS TIFFANY** (English/Canadian, contemporary). *Neal*, 2016. Acrylic on canvas. 127 x 101.6 cm (50" x 40").



119

The following three paintings by **RONALD MEVS** (Haitian, born 1945) were stolen from a warehouse in Montgomery County, MD on Jul 1, 2016. *L16.062:



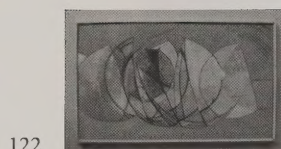
121



120

120. *Untitled*, 1990. Oil on canvas. Signed l/r.

121. *Untitled*, 1990. Oil on canvas. Signed l/r.



122

122. *Untitled*, 1990. Oil on canvas.

The following four paintings were stolen from a private residence in Stockholm, Switzerland on July 8, 2016.

*L16.955:

123. **GUSTAVE BERNHARD OSTERMAN** (Swedish, 1870-1938). *Lady in a Chair*. 83.01 x 97.99 cm (32 3/8" x 38 1/2").

GEORGE VILHEM PAULI (Swedish, 1855-1935):

124. *Fountain in Paris*. Oil on canvas. 51.99 x 88.01 cm (approx. 20 1/2" x 34 3/8").

125. *Lady in a Chair*. 70 x 50 cm (approx. 27 1/2" x 19 3/4"). Stolen from a private residence in Stockholm, Sweden on July 8, 2016.

126. *Portrait of a Young Boy*. 65 x 51.99 cm (approx. 25 1/2" x 20 1/2").

The following three paintings by **RONALD WIGMAN** (Dutch, contemporary) were among eight stolen from a gallery in Singapore, Malaysia on December 15, 2010. *L16.912:

127. *Context*, 2009. Acrylic on canvas. 92 x 92 cm (approx. 36 1/4" x 36 1/4").

128. *I Am Your Friend*, 2009. Acrylic on canvas. 92 x 92 cm (approx. 36 1/4" x 36 1/4").

129. *North Bridge Road*, 2009. Acrylic on canvas. 92 x 92 cm (approx. 36 1/4" x 36 1/4").

123



124



125



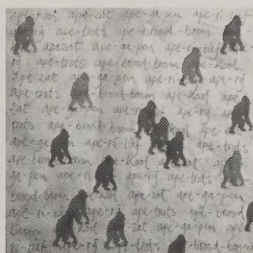
126



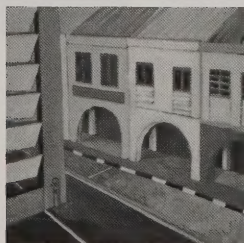
127



128



129

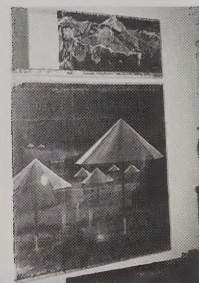


STOLEN ART (cont.)

WORKS ON PAPER

The following two works by **CHRISTO** (Bulgarian, born 1935) and **JEANNE-CLAUDE** (Moroccan, 1935-2009) were stolen from a private residence in Djursholm, Sweden on August 7, 2016. *L16.1146:

130. *The Blue Umbrellas*, 1988. Crayon on paper. Two works on paper under plexiglass. The larger work is 108 x 166.4 cm; the smaller work is 39.5 x 166.4 cm. Stolen from a private residence in Djursholm, Sweden on August 7, 2016.



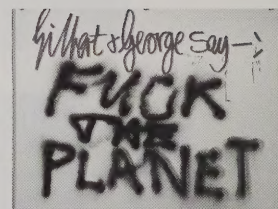
130

131. *The Yellow Umbrellas*, 1988. Crayon on paper, under plexiglass. 108 x 166.4 cm (approx. 42 1/2" x 65 1/2").



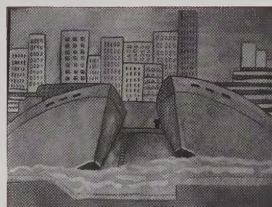
131

132. **GILBERT** (Italian, born 1943) and **GEORGE** (English, born 1942). *Gilbert and George say -- > Fuck the Planet 1*, 2015. Spray paint on watercolor paper mounted on linen with three brass eyelets. 122 x 152 cm (approx. 48" x 59 3/4"). *L16.1170. Stolen from a gallery in Charlottenberg, Denmark on June 24, 2016.



132

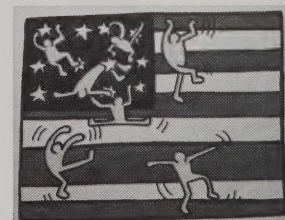
133. **RENÉ GUIETTE** (Belgian, 1893-1976). *Untitled (Port)*, 1928. Gouache on paper. 26.9 x 35.71 cm (approx. 10 1/2" x 14"). Signed l/r. On the verso: the "cachet" number for the collection: Janina Szczyt 610 Bruxelles. *L16.669. Stolen in transit in Paris, France on October 28, 2015.



133

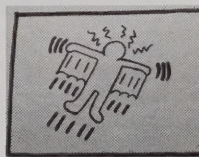
The following 8 works on paper by **KEITH HARING** (American, 1958-1990) were missing from a gallery in Montreal, QUE, Canada on August 22, 2016. See item no. 104 above. *L16.1349:

134. *American Music Festival* (created for the American Music Festival of the New York City Ballet), 1988. Black and colored ink on paper. 21.59 x 27.94 cm (8 1/2" x 11"). Gallery inv. no. MCIS-HRNG 056.



134

135. *Flying Alone*, c. 1981-1988. Ink on paper. 8.51 x 11 cm (approx. 3 3/8" x 4 3/8"). Inv. no: MCIS-HRNG 066.

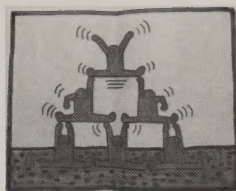


135

137



136



136. *Human Pyramid*, c. 1981-88. Black and colored ink on paper. 21.59 x 27.94 cm (8 ½" x 11").

137. *Human Tower*, c. 1981-88. Black and colored ink on paper. 11 x 8.51 cm (approx. 4 ⅜" x 3 ⅜").

138



138. *Jump to Death*, c. 1981-88. Black and colored ink on paper. 27.94 x 21.59 cm (11" x 8 ½"). Inv. no. MCIS-HRNG 057.

139



139. *Mermaid Angel and Dolphins*, c. 1981-1988. Ink on paper. 11 x 8.51 cm (approx. 4 ⅜" x 3 ⅜"). Inv. no: MCIS-HRNG 033.

140



140. *Radiant Yellow Baby*, c. 1981-88. Black and yellow ink on paper. 8.5 x 11 cm (approx. 3 ⅜" x 4 ⅜"). Inv. No. MCIS-HRNG 068.

141



141. *Welcoming Crowd's Angel*, c. 1981-88. Ink on paper. At the center of the drawing is a purple dot/stain. 8.51 x 11 cm (approx. 3/38" x 4 ⅜"). MCIS-HRNG 065.

142



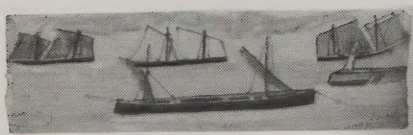
142. TIM NOBLE (English, born 1966) and SUE WEBSTER (English, born 1967). *Charles and Di*, 1998. Pen and ink on paper. 22.3 x 22.81 cm (approx. 8 ¾" x 9"). Signed and dated l/r. *L16.1157. Stolen from an auction house in London, England on December 5, 2013.

143



143. ELIZABETH PEYTON (American, born 1965). *Still Life (Oscar Wilde)*, 2009. Colored pencil on paper. 20.32 x 15.24 cm (8" x 6"). *L16.1155. Stolen from private property in Greenwich, CT on October 17, 2016.

144



144. ALFRED WALLIS (English, 1855-1942). *Luggers off the Harbour Mouth*. Pencil on cardboard. 14.6 x 24.1 cm (approx. 5 ¾" x 9 ½"). *L16.383. Stolen from a private residence in Falmouth, Cornwall, England on March 19, 2016.

The following two works on paper were stolen from the Shepton Mallet Antique Fair in England on September 18, 2016. *L16.1268:

145. HUBERT COOP (English, 1872-1953). *Caernarfon Castle*. Watercolor. 38.99 x 51.99 cm (approx. 18 $\frac{3}{8}$ " x 20 $\frac{1}{2}$ ").

145



146. CLAUDE HAYES (Irish, 1852-1922). *Lyme Regis*. Watercolor. 19.99 x 30 cm (approx. 7 $\frac{3}{4}$ " x 11 $\frac{3}{4}$ ").

146



PRINTS, LITHOGRAPHS

147. BANKSY (English, born 1974). *Nola*, 2009. Screenprint. 76 x 58 cm (approx. 30" x 22 $\frac{3}{4}$ "). Ed. no.: 14AP. Signed l/r. *L16.919. Stolen in transit to Croyden, Surrey, England on August 8, 2016.

147



148. HENRI MATISSE (French, 1869-1954). *Woman Hairdresser Louis LV*, 1942. Chiné appliqué print. 52 x 36 cm (approx. 20 $\frac{1}{2}$ " x 14 $\frac{1}{4}$ "). Approx. ed. no: 150/200. *L16.1184. Stolen from a private residence in Los Angeles, CA on August 23, 2016.

148



149. DEAN JACKSON MEEKER (American, 1920-2002). *5 Horsemen*, 1970. Print on paper. 83.82 x 48.26 cm (33" x 19"). Signed with the word "Prool" (Proof?) at bottom center. *L16.1053. Stolen in transit between San Francisco, CA and Brooklyn, NY on September 18, 2016.

149



150. ROBERT RAUSCHENBERG (American, 1925-2008). *Sub-Total*, 1972. See color photo on inside back cover.

151. ANDY WARHOL (American, 1928-1987). *Liz*, 1964. See color photo on inside back cover.

PHOTOGRAPHS

152. EMILY JACIR (Palestinian, born 1970). *Where We Come From*, c. 2001-03. Laser print and c-print mounted on Sintra. 89 x 68.5 cm (approx. 35" x 27"). Ed. no. 3/3. *L16.1023. Stolen in transit between Florida and Sheffield, MA on August 4, 2016.

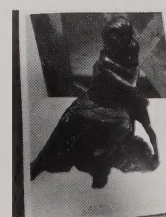
152



SCULPTURE

153. PAUL DAY (English, born 1967). *Mother and Child*, 2010. Bronze. 30.48 x 15.24 cm (12" x 6"). *L16.1113. Stolen from a private residence in Naples, FL on September 8, 2016.

153



154



155



157



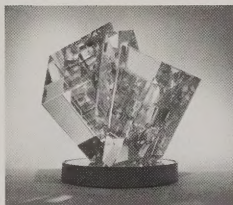
156



159



158



The following six items were stolen from a gallery in Naples, FL on September 6, 2016. *L16.1042:

154. **HESSAM ABRISHAMI** (Iranian, born 1951). *Dancer*. Bronze. 43.18 x 12.7 x 12.7 cm (17" x 5" x 5").

155. **DARRELL DAVIS** (American, born 1962). *Loggerheads*. Bronze. 72.39 x 71.12 x 55.88 cm (28 ½" x 28" x 22").

156. **CRAIG FRENCH** (American, born 1959). *Construct*. Mixed metals. 104.14 x 48.26 x 33.02 cm (41" x 19" x 13").

157. **JOHN LACZ** (American, born 1949). *Time Travel*. Mixed metals. 45.72 x 33.02 x 25.4 cm (18" x 13" x 10").

158. **TOLAND SAND** (American, 1949). *Cyclos Cube*. Glass. 22.86 x 8.99 cm (approx. 9" x 3 ½").

159. **TOLAND SAND** (American). *Multichromma Cube*. Glass. 22.86 x 22.86 cm (9" x 9").

DECORATIVE ARTS

160



160. **Unknown Artist** (English, 18th century). *Carved Snuffbox in the Shape of a Pistol*, 1750. Fruitwood. Length: 13.5 cm (approx. 5 ¼"). *L16.332. Stolen from a gallery at the BADA Fair in London, England on March 9, 2016.

The following two items were stolen from a gallery in San Francisco, CA on August 5, 2016. *L16.942:

161



161. **Unknown Artist** (English, 19th century). *Japanned Work Box*, 1810-30. Fitted work box, lined in red silk, with brass ball feet and with chinoiserie in gold, green and red on a black ground. 11.43 x 15.24 x 21.59 cm (4 ½" x 6" x 8 ½").

162



162. **Unknown Artist** (English, 19th century). *Japanned Work Box*, 1810-30. Fitted work box, lined in blue silk, with brass paw feet and with chinoiserie in gold, green and red on a black ground. 8.25 x 15.24 x 22.86 cm (3 ¼" x 6" x 9").

STOLEN ART (cont.)

Silver

The following four liturgical items were stolen from a church in Laubau, Hessen, Germany on October 17, 2016. *L16.1276:

163. SACKERMANN HESSENBERG & CO. (German, 19th century). *Casket for Eucharist*, 1857. Silver. 4.5 x 11.81 cm (approx. 1 ¾" x 4 ½"). The lid is engraved with a coat of arms: cross, sickle and chalice.

163



164. Unknown Artist (German, 16th century). *Chalice*, 1523. Gold-plated silver. 22.81 x 16.21 cm (approx. 9" x 6 ⅝").

164



165. LANGER & GUNTHER (German, 20th century). *Chalice*, 1901. Gold-plated silver. 23.19 x 14.5 cm (approx. 9 ⅞" x 5 ¼").

165



166. KOCH & BERGFELD (German). *Eucharist Pitcher*. Silver.

166



ASIAN ART

167. *Kundika (Lidded Ewer)*. (Korean, Goryeo Dynasty, 12-13th century). Bronze with green patina. 33.5 x 10 x 10 cm (approx. 13 ¼" x 4" x 4"). *L16.298. Stolen in transit between The Netherlands and France on October 27, 2015.

167



168. *Purbhu* (Tibetan, 16th century). Iron, brass and silver with gold and red lacquer. 30.99 x 4.01 x 4.01 cm (approx. 12" x 1 ½" x 1 ½"). *L16.403. Stolen from a workshop in Paris, France on March 20, 2016.

168



GREEK ANTIQUITIES

The following three items were stolen from a gallery in San Francisco, CA on August 5, 2016. *L16.942:

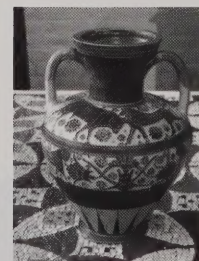
169. THE BALTIMORE PAINTER (Attrib. to). (Greek, c. 330 BC). *Apulian Red-Figure Kantharos*. Terracotta. 22.86 x 15.24 x 10.16 cm (9" x 6" x 4").

169



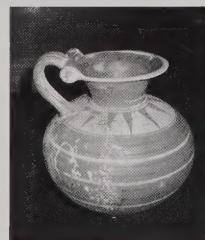
170. Unknown Artist (Greek, c. 625-600 BC). *Corinthian Black-Figure Amphora Vase*. Terracotta. 12 ¼" x 7".

170



171. Unknown Artist (Greek, 6th century BC). *Rhodian Oinochoe*. Terracotta. 20.32 x 20.32 cm (8" x 8").

171



MISSING ART

Paintings



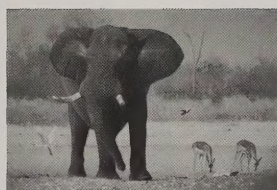
16



15

15. EMIL FUCHS (Austrian/American, 1866-1929). *Portrait of Claire Sheridan*, 1908. Oil on canvas. 7.72 x 5.08 cm (3" x 2"). *L16.1383. Stolen in London, England on August 1, 2015.

16. NIKLAUS STOECKLIN (Swiss, 1896). *Self-Portrait*, 1916. Oil on canvas. 45 x 36 cm (approx. 17 ¾" x 14 ¼"). Signed l/l. *L16.1049. Missing in transit in Basel Switzerland on January 26, 2015.



18

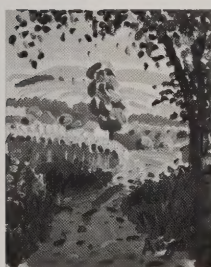


17

The following two paintings by PIP MCGARRY (English, contemporary) were among ten paintings and a pencil sketch missing from Marwell Zoological Park in Hampshire, England on December 8, 2016. *L16.1369:

17. *Harvest Mouse*, 2016. oil on canvas. 25.4 x 35.56 cm (10" x 14").

18. *Impatience*, 2016. Oil on canvas. 91.44 x 60.96 cm (36" x 24").



20



19



22



21

The following four paintings by PETER ANGERMANN (German, born 1945) were missing in Nuernberg, Germany on June 1, 2009. *L16.1367:

19. *Neumühle*, 2001. Oil on canvas. 40.01 x 49.99 cm (approx. 15 ¾" x 19 ¾"). Signed l/l.

20. *Oberlenkenreuth*, 2001. Oil on canvas. 49.99 x 40.01 cm (approx. 19 ¾" x 15 ¾"). Signed l/r.

21. *Waldbild*, 2002. Oil on canvas. 40.01 x 49.99 cm (approx. 15 ¾" x 19 ¾"). Signed l/r.

22. *Wieher bei Woelkersdorf*, 2001. Oil on canvas. 49.99 x 40.01 cm (approx. 19 ¾" x 15 ¾"). Signed l/l.

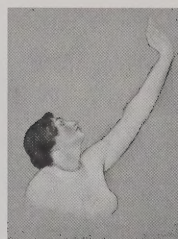
*Numbering for the Volume 17 Cumulative Index of Missing Art began with Vol. 17, no. 1.

MISSING ART (cont.)

WORKS ON PAPER

23. GUY-PIERRE FAUCONNET (French, 1882-1920). *Buste de Femme*, 1910. Pastel, charcoal and pencil on paper. 33.66 x 27.94 cm (13 ¼" x 11"). Signed l/r. *L16.1120. Missing from Biennale des Antiquaires, Grand Palais, Paris, France on September 19, 2016.

23



24. BERNARD CECIL GOTCH (English, 1876-1964). *Beaumont Street*, 1920. Pencil and watercolor on paper. *L16.1350. Missing from Worcester College, Oxford, England on December 31, 1993.

24



The following three works on paper by KEITH HARING (American, 1958-1990) were missing from a gallery in Montreal, QUE, Canada on August 22, 2016. *L16.1349:

25. *Angel, Flying Devil and Buddies*, c. 1981-88. Ink on paper. 8.5 x 14 cm (approx. 3 ¼" x 5 ½"). Inv. no: MCIS-HRNG 063.

25



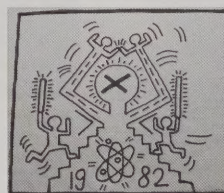
26. *Carrying His Cross*, c. 1981-88. Black and colored ink on paper. 8.51 x 11 cm (approx. 3 ⅜" x 4 ⅜"). Inv. no. MCIS-HRNG 061.

26



27. *Mr. Nuclear '82*, 1982. Ink on paper. 11 x 8.51 cm (approx. 4 3/8" x 3 3/8"). Inv. no: MCIS-HRNG 064.

27



PHOTOGRAPHS

28. ANDREAS MÜHE (German, born 1979). *Springer 1*, 2009. Fotografie Musei Silver Rag paper. 140 x 110 cm (approx. 55 ¼" x 43 ⅝"). Ed. No. 2/3. *L17.66. Missing from a gallery in Berlin, Germany on November 1, 2016.

28

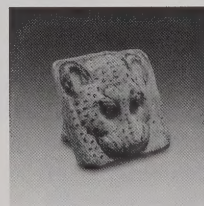


GREEK ANTIQUITIES

The following two Greek antefixes were missing in transit between Switzerland and Austria on November 3, 2016. *L16.1281:

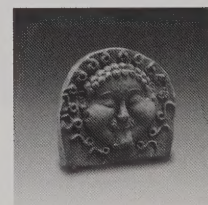
29. Unknown Artist (Greek, 5th century BC). *Antefix with Head of a Feline*. Terracotta. 15.49 x 19.51 cm (approx. 6" x 7 ¾").

29



30. Unknown Artist (Greek, 5th century BC). *Antefix with Head of a Gorgon*. Terracotta. Ht: 19 cm (7 ½").

30



RECOVERED ART

PAINTINGS



52

52. **OSIP BRAZ** (Russian, 1873-1936). *Still Life with Fruit*, 1920. Oil on canvas. 70 x 79.5 cm (approx. 27 ½" x 31 ¼"). *L16.1259. Stolen from a private residence in Meaulne, France on March 9, 1986. Recovered in London, UK on February 23, 2017.



53

53. **GUERCINO** (Giovanni Francesco Barbieri) (Italian, 1591-1666). *The Madonna with Saints John the Evangelist and Gregory the Wonderworker*, 1639. Oil on canvas. 6' x 10'. *L14.906. Stolen from the Church of San Vincenzo, Modena, Italy on August 10, 2014. Located in Casablanca, Morocco by the Carabinieri and Interpol in February 2017. The Italian government is negotiating for the painting's return.



54

The following two paintings by **CARL VILHELM HOLSØE** (Danish, 1863-1935) were among eight works stolen from a private residence in Kolding, Denmark on December 28, 2000 and recovered in Denmark with the help of the ALR in March 2017. *L01.173:



55

54. *Interior*, c. 1910. Oil on canvas. 190.5 x 165.1 cm (75" x 65"). Interpol no. 2001/23379-1.5.



56

55. *Room with a Lady*, c. 1920. Oil on canvas. 75.01 x 65 cm (approx. 29 ½" x 25 ½"). Interpol no. 2001/23379-1.3.



57

56. **WILLEM VAN ROYEN** (German, 1645-1723). *Still Life of Roses*, 1706. Oil on canvas. 28.8 x 24.1 cm (approx. 11 ¾" x 9 ½"). Stolen from the Märkisches Museum in Berlin, Germany during WWII. Recovered with the help of the ALR in London, UK in January 2017.

57. **JAN FRANZ. VERZIYL** (Dutch, 1603-1647). *Young Man as Bacchus*, c. 1630. Oil on panel. 62 x 48 cm (approx. 24 ½" x 19"). Stolen from collector and dealer Max Stern in Düsseldorf, Germany during WWII. Recovered by the FBI in New York in 2015 and returned to Stern's heirs in February 2017.



58

58. **GAO XINGJIAN** (Chinese, born 1940) *The Dreamer*, 2008. Ink on canvas. 130 x 194 cm (approx. 51 ¼" x 76 ¾"). *N10.90. Stolen in transit between New York City and Palm Beach, FL on March 18, 2010. Recovered with the help of the ALR in Hong Kong in January 2017.

*Numbering for the Volume 17 Cumulative Index of Recovered Art began with Vol. 17, no. 1.

The following three paintings, stolen in transit between the U.S. and England on October 29, 2000, were recovered by the police with the help of the ALR in the fall of 2016. See also item no. 65 below. *L00.1865:

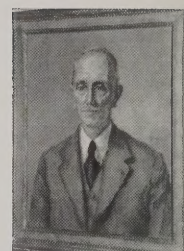
59. AMBROGIO BERGOGNONE (Follower of) (Italian, 1453-1523). *Madonna and Child*. Oil on panel. 49.53 x 35.56 cm (19 1/2" x 14").

59



60. SIMON ELWES (English, 1902-1975). *Portrait of a Man*. Oil on canvas. 59.69 x 48.26 cm (23 1/2" x 19"). Signed and dated at center right.

60



61. HENRI FANTIN-LATOURE (French, 1836-1904). *Bouquet of Flowers*. Oil on canvas. 42.54 x 53.64 cm (approx. 16 3/4" x 21 1/4"). Signed u/r.

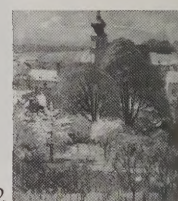
61



The following three works – two paintings and a work on paper – were among 71 works stolen from a private residence in Vienna, Austria on August 27, 2014. *L14.971. Police recovered 67 of the works in Vienna on March 10, 2017. Four works are still missing.

62. CARL MOLL (Austrian, 1861-1945). *Cherry Blossoms in Grinzing*. Oil on canvas. 69.5 x 54.4 cm (approx. 27 3/8" x 23 3/8"). Signed l/l.

62



63. KOLOMAN MOSER (Austrian, 1868-1918). *Geraniums*, 1909. Oil on canvas. 50 x 50 cm (approx. 19 3/4" x 19 3/4"). Signed u/r.

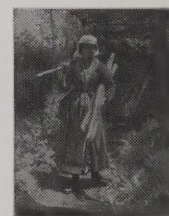
63



WORKS ON PAPER

64. OSKAR KOKOSCHKA (Austrian, 1886-1980). *Gypsy Girl*, 1901. Watercolor on paper. 29.5 x 22.5 cm (approx. 11 1/2" x 8 3/4"). Signed and dated l/l. (See item no. 89, p. 77, *IFAR Journal*, Vol. 15, nos. 3&4).

64



PRINTS, LITHOGRAPHS, ETCHINGS

65. PABLO PICASSO (Spanish, 1881-1973). *The Sculptor at Rest IV* (B.174), 1933. From the Vollard Suite. Etching on paper. 19.05 x 26.34 cm (approx. 7 1/2" x 10 3/8"). From an edition of 300. Signed and dated in pencil l/r. *L00.1865. See item nos. 59-61 above.

65



SCULPTURE

66. GIROLAMO DA SANTACROCE (Italian, 1503-1556). *St. John the Baptist*. Marble. Ht: 70 cm (approx. 27 1/2"). Part of a monumental altar by Caracciolo. *N77.13. Stolen from a church in Naples, Italy on May 19, 1977. Recovered by the Carabinieri with the help of the ALR in November 2016.

66



CLOCKS, WATCHES, TIMEPIECES

67. ROBERT WOOD (English, 19th century). *Table Clock*, c. 1810-30. Mahogany with gilt bronze fittings and feet. Ht: 63.5 cm (25"). *L97.977. Stolen from a gallery in Wiltshire, England on May 24, 1997. Recovered with the help of the ALR in England in July 2016.

67



VOLUME 17 CUMULATIVE INDEX OF STOLEN ART

Published in Vol. 17, nos. 1-4 (2016/2017)

A

Abrishami, H. 154
Andersson, K. 39
Appel, K. 54
Asian Art 48-53; 167, 168
Assadour, B. 116
Avery, M. 3

B

Bacon, F. 60-63
Banksy 147
Baltimore Painter, Attrib. to 169
Bildus, J. W. 75
Bol, F. 55
Bradley, M. 95
Brueghel, J. (The Younger) 96
Burne-Jones, E. 56

C

Carrington, L. 97
Ceriez, T. 57
Chinese Art 48-52
Christo and Jeanne-Claude 130, 131
Clowater, B.A. 117
Coop, H. 145

D

Dalí, S. 8, 25-30; 98
Dashwood, G. 84
Davis, D. 155
Davis, H.W.B. 85
Day, P. 153
Decorative Arts 38-47; 160-166
Develter, C. 64-66
Di Suvero, M. 34
Duclaux, J.-A. 99
Dufy, R. 4, 9
Dunbar, E. 100
Dürer, A. 31
Durham, M. 101

F

Feininger, L. 58
Floberg, A. and J.T. Ronander 40
French, C. 156
Friesz, O. 102
Frink, E. 32
Fuller, V. 86

G

Gilbert and George 132
Glass 38; 94
Gleizes, A. 79

Greek Antiquities 169-171

Guiette, R. 133

H

Haring, K. 134-141
Hartley, M. 59
Hayes, C. 146
Hewitt, W. 41-47
Hibbard, A. T. 103
Hone, G. 94

J

Jacir, E. 152

K

Kauka, R. 10
Klemperer, W. 35
Kline, F. 104
Knight, N. 83
Koch & Bergfield 166

L

Lachman, S.M. 105
Lacretelle, J.E. 6
Lacz, J. 157
Langer & Gunther 165
Læssøe, T. 106
Latty, M. 67, 68
Lemon, T. 118
Lempicka, T. de 107
Lewis, D. 87
Licon, C. 11

M

Madou, J.-B. 73
Marcola, M. 108
Mason, P.C. 69, 70
Matisse, H. 148
Matta, R. 109
Max, P. 22
McKinley, T. 110
Meeker, D.J. 149
Merrifield, T. 33
Mevs, R. 120-122
Mixed Media 78
Molenaer, K. 71
Monopoly, A. 81

N

Najar, D. 23
Noble, T. and S. Webster 142

O

Osterman, G.B. 123

P

Paintings 1-7; 54-77; 95-129
Pauli, G.V. 124-126
Pegram, A.B. 88
Peyton, E. 143
Phillips, B.G. 1
Photographs 83; 152
Pissarro, P.E. 80
Prints, Lithographs, Etchings 15-31; 81, 82; 147-151

R

Ramos, M. 82
Rauschenberg, R. 150
Reginato, P. 36
Ronander, J.T. and A. Floberg 40

S

Saastad, M. 5
Sackermann Henssberg & Co. 163
Salamoun, E. 13
Salmson, J.J. 89
Sánchez, T. 12
Sand, T. 158, 159
Schryver, L.M. de 72
Sculpture 32-37; 84-90; 153-159
Sharp, J.H. 2
Shvaiko, V. 24
Silver 39-47; 163-166
Stavrinos, G.P. 14

T

Tibetan Art 53
Tiffany, F. 119
Tiffany, L.C. 38
Tuymans, L. 111

V

Vantongerloo, G. and L. Wolleh 78
Vasarely, V. de 115
Verveer, S.L. 76
Viking Antiquities 91-93

W

Wallis, A. 144
Warhol, A. 15-21, 151
Wigman, R. 127-129
Wilkinson, H. 74
Wolleh, L. and G. Vantongerloo 78
Works on Paper 8-14; 79, 80; 130-146
Wright, G. 7

VOLUME 17 CUMULATIVE INDEX OF MISSING ART

Published in Vol. 17, nos. 1-4 (2016/2017)

A
Angermann, P. 19-22

C
Collishaw, M. 10-14

F
Fauconnet, G-P. 23
Fuchs, E. 15

G
Gotch, B.C. 24
Greek Antiquities 29, 30

H
Hafftk, M. 1
Haring, K. 25-27

I
Iwonski, C.G. von 3

L
La Noue, T.D. 5

M
Marx, R.B. 7
McGarry, P. 17, 18
Mixed Media 5, 6; 11-14
Mühe, A. 28

P
Paintings 1-4; 8, 9; 15-22
Photographs 28
Prints, Lithographs, Etchings 7

S
Saew, J. 8
Schlemmer, O. 6
Smith, L.P. 2
Stoecklin, N. 16

W
Works on Paper 10; 23-27

Y
Yacoubi, A. 4

VOLUME 17 CUMULATIVE INDEX OF RECOVERED ART

Published in Vol. 17, nos. 1-4 (2016/2017)

A
Akkerlinga, J.E.H. 37

B
Bellini, J. 3
Bergognone, A. (Follower of) 59
Bernini, G. L. 4
Bonnington, R.P. 23
Boogaert, H. 18
Boulogne, V. de 40
Braz, O. 52
Breughel, J. The Elder (Circle of) 24
Buckner, R. 25

C
Caroto, G. F. 5, 6
Carpenter, W. 43
Clausen, G. 26
Clocks, Watches, Timepieces 43, 67
Cosson, J-L. 51

D
Dalí, S. 45
Decorative Arts 51

E
Elwes, S. 60

F
Falcone, A. 41
Fantin-Latour, H. 61
Francis, S. 39
Furniture 51

G
Grant, F. 27
Guercino 53

H
Holsoe, C. V. 54, 55

J
Jode, H. de 1, 2

K
Kokoschka, O. 64

L
Laserstein, L. 28
Lempicka, T. de 46

M
Mantegna, A. 7
Maze, P.L. 29
McGregor & Co., D 44
Moll, C. 62
Moser, K. 63
Munch, E. 42

N
Navigational Instruments 44

O
Ouwater, I. 19

P
Paintings 1-41; 45-49; 52-63
Park, J.A. 30
Picasso, P. 65
Pisanello, 8
Poynter, E. 31, 32

Pre-Columbian Antiquities 50
Prints, Lithographs, Etchings 65

R
Rosi, A. 33
Royen, W. van 56
Rubens, P.P. 11
Russell, G. 34

S
Santacroce, G. da 66
Schooten, F.G. van 20
Sculpture 66
Sustermans, J. 49

T
Tintoretto, D. 9
Tintoretto, D. (Studio of) 10
Tintoretto, J. 12-14
Tintoretto, J. (Circle of) 15-17
Tromp, J.Z. 38

V
Van Gogh, V. 47, 48
Verzijl, J. F. 57

W
Waben, J. 21, 22
Ward, J. 35
Watts, G.F. 36
Wood, R. 67
Works on Paper 42; 64

X
Xingjian, G. 58

STOLEN ART

PAINTINGS

96



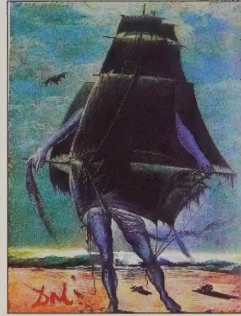
96. JAN BRUEGHEL (THE YOUNGER) (Flemish, 1601-1678). *Riverbank Scene*. Oil on copper. 15.0 x 19.99 cm (approx. 6" x 7 3/4"). *L16.1000. Stolen from an auction house in Paris, France.

97



97. LEONORA CARRINGTON (English, 1917-2011). *The Wishing Well*, 1962. Oil on panel. 80.01 x 119.99 cm (approx. 31 1/2" x 47 1/4"). *L16.1360. Stolen from a private residence in Mexico City on June 1, 2012.

98



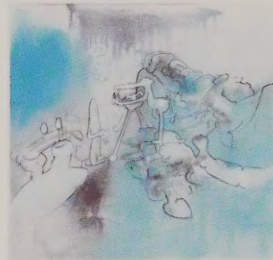
98. SALVADOR DALÍ (Spanish, 1904-1989). *The Ship*, ca. 1934-35. Oil on canvas. 29.49 x 22.5 cm (approx. 11 1/2" x 8 3/4"). Signed l/l. *L16.676. Stolen from a gallery in Paris, France on March 1, 2015.

107



107. TAMARA DE LEMPICKA (Polish, 1898-1980). *Card Players*, 1926. Oil on canvas. 35 x 27 cm (approx. 13 3/4" x 10 3/8"). *L16.1002. Stolen in Paris, France on August 30, 1975.

109



109. ROBERTO MATTA (Chilean, 1911-2002). *Untitled*, 2013. Oil on canvas. 56.01 x 58.5 cm (approx. 22" x 23"). *L16.1289. Stolen in Paris, France on October 6, 2013.

150



151



150. ROBERT RAUSCHENBERG (American, 1925-2008). *Sub-Total*, 1972. Lithograph on Rives BFR paper. 26.67 x 31.75 cm (8" x 12.5"). Ed. 1/33/500. Signed l/r. With the blind stamp of publisher, Gemini G.E.L. *L16.1400. *L16.1400. Stolen from an auction house in Los Angeles, CA on November 1, 2016. Recovered on January 13, 2017.

151. ANDY WARHOL (American, 1928-1987). *Liz*, 1964. Offset lithograph on wove paper. 55.88 x 50.8 cm (22" x 22"). Signed and dated 6/64. From an edition of 300. *L16.1285. Stolen from an auction house in New York, NY on January 3, 2016. Recovered on January 13, 2017.

INVITATION TO JOIN AND SUPPORT IFAR

(IFAR IS A 501 (C) (3) NOT-FOR-PROFIT ORGANIZATION)

SUBSCRIPTION INFORMATION

SUBSCRIBER \$75 (PLUS \$25.00 MAILING OUTSIDE U.S.)
One-year subscription to *IFAR Journal*, notice of events.

ASSOCIATE \$100 (PLUS \$25.00 MAILING OUTSIDE U.S.)
One-year subscription to *IFAR Journal*, notice of events,
and complimentary admission for one to an *IFAR Evening*.

MEMBERSHIP/SUPPORT

All membership contributions are tax-deductible to the extent permitted by law.

Partner:	Individual \$250	Corporate \$1,000
Sustainer:	Individual \$500	Corporate \$2,500
Patron:	Individual \$1,000	Corporate \$5,000
Conservator:	Individual \$2,500	Corporate \$7,500
Benefactor:	Individual \$5,000	Corporate \$10,000

INTERNATIONAL FOUNDATION FOR ART RESEARCH, 500 FIFTH AVENUE, SUITE 935, NEW YORK, NY 10110

Please make checks in U.S. dollars payable to IFAR

NAME _____

ADDRESS _____

APT. # _____

CITY, STATE, ZIP _____

TELEPHONE _____

E-MAIL _____

© 2016 IFAR, Inc.



THE INTERNATIONAL FOUNDATION FOR ART RESEARCH (IFAR),
 established in 1969, is a 501 (c)(3) not-for-profit educational and research organization
 dedicated to integrity in the visual arts. IFAR offers impartial and authoritative information on
 authenticity, ownership, theft, and other artistic, legal, and ethical issues concerning art objects.
 IFAR serves as a bridge between the public and the scholarly and commercial art communities.
 We publish the quarterly **IFAR Journal**, organize public programs and conferences, offer an
 Art Authentication Research Service and provenance research services, provide a forum for
 discussion, and serve as an information resource.
 We invite you to join our organization and help support our activities.

